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11 EASTERN INTERIOR FEDERAL SUBSISTENCE REGIONAL
12 ADVISORY COUNCIL MEETING

13

14

15 October 9, 2002

16 9:00 a.m.

17 Chena River Convention Center

18 Fairbanks, Alaska

19

20 COUNCIL MEMBERS PRESENT:

21

22 Gerald Nicholia, Chairman

23 Sue Entsminger

24 Jim Wilde

25 Tricia Waggoner

26 Virgil Umphenour

27

28

29 Donald Mike, Coordinator

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1 P R O C E E D I N G S

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3 (Fairbanks, Alaska - 10/9/2002)

4

5 (On record)

6

7 CHAIRMAN NICHOLIA: I'll have Tricia take
8 roll call.

9

10 MS. WAGGONER: Craig Fleener. Jay
11 Stevens. Sue Entsminger.

12

13 MS. ENTSMINGER: Here.

14

15 MS. WAGGONER: Jim Wilde.

16

17 MR. WILDE: Here.

18

19 MS. WAGGONER: Tricia Waggoner. Here.
20 Gerald.

21

22 CHAIRMAN NICHOLIA: Here.

23

24 MS. WAGGONER: Virgil.

25

26 MR. UMPHENOUR: Here.

27

28 CHAIRMAN NICHOLIA: The only new agency
29 Staff it looks like we have here is Guard of the Yukon,
30 Fred Andersen, so I want to -- the first thing I want to
31 do is take care of the approval of the minutes of the
32 Circle Hot Springs meeting February 25th-27th, 2002. Is
33 there any additions or corrections to the meeting
34 minutes.

35

36 (Pause)

37

38 CHAIRMAN NICHOLIA: The only one
39 correction that we have here, Donald, is that I don't
40 think Paul Williams speaks Tanana and Koyukon, I think
41 he speaks Gwitchen.

42

43 MR. MIKE: Gwitchen.

44

45 CHAIRMAN NICHOLIA: Uh-huh.

46

47 (Pause)

48

49 CHAIRMAN NICHOLIA: There's another
50 correction there Donald on Page 5, the Council tabled 42

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1 -- Proposal 42, and there's not a tabled proposal -- it's
2 Proposal 43, I think it's supposed to be that.

3

4 (Pause)

5

6 CHAIRMAN NICHOLIA: Any more corrections.

7

8 (Pause)

9

10 CHAIRMAN NICHOLIA: I'll entertain a
11 motion to approve.

12

13 MR. WILDE: Make a motion to approve the
14 minutes as corrected.

15

16 MS. ENTSMINGER: Second.

17

18 CHAIRMAN NICHOLIA: A motion to accept
19 the minutes of February 2002 minutes, and seconded.

20

21 It's been moved and seconded, does
22 anybody going to question it?

23

24 MS. WAGGONER: Question.

25

26 MR. UMPHENOUR: Question.

27

28 CHAIRMAN NICHOLIA: Question has been
29 called, all those in favor of approving the minutes of
30 February 2002 meeting signify by saying aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN NICHOLIA: All those opposed,
35 same sign.

36

37 (No opposing votes)

38

39 CHAIRMAN NICHOLIA: Okay. Then we'll go
40 to Donald Mike here to review our floating agenda.

41

42 MR. MIKE: Thank you, Mr. Chair. Donald
43 Mike, Council coordinator. Council members can look at
44 their joint meeting agenda from yesterday. The only
45 business item from the joint session we had yesterday was
46 to cover number -- Roman Numeral No. IX, Fisheries
47 Resource Monitoring Program and the Regional Advisory
48 Council charters under agency reports and meeting
49 locations under agency reports. And those are the only
50 three items that we haven't discussed from yesterday so

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1 we'll need to discuss that later today.

2

3 The remaining agenda items, if you look
4 at your book at Page 1, we approved the minutes from last
5 winter and we need to go over the Chair's report and Page
6 2 will continue with customary trade. Yesterday we did
7 the customary trade presentation, the Council did not
8 take any action on the customary trade issue so the
9 Council will need to take action on the customary trade
10 to review their recommendations that they developed last
11 winter. They can either stay with their recommendations
12 or amend it or make other recommendations.

13

14 We'll have a call for proposal to change
15 Federal subsistence wildlife regulations to see if
16 there's any wildlife proposals that the Councils would
17 like to submit. We can help develop the Council to
18 provide a proposal or we can take up proposals from the
19 public.

20

21 Next Roman Numeral Number XIII, Council
22 members reports and agency reports.

23

24 And finally we'll have Council members
25 closing comments and future meeting plans.

26

27 I think that's about it, Mr. Chair. You
28 got anything else.

29

30 CHAIRMAN NICHOLIA: Anybody got anything
31 to add to this agenda? I don't think we have to approve
32 it.

33

34 MR. MIKE: Well, if you want to go ahead
35 and approve the remaining agenda items that would be okay
36 but it's up to the Council.

37

38 CHAIRMAN NICHOLIA: So who's first, Polly
39 Wheeler?

40

41 MR. MIKE: Yep.

42

43 CHAIRMAN NICHOLIA: Polly.

44

45 MR. MIKE: Mr. Chair, I just want to
46 remind everybody, if you haven't signed in please do so,
47 the sign in sheet's on the table. And if there's any
48 members of the public that would like to testify please
49 fill out a green testifier's sheet and bring it to me and
50 I can bring it forward to the Chair.

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1 Thank you.

2

3 CHAIRMAN NICHOLIA: Go ahead, Polly.

4

5 MS. WHEELER: Thank you, Mr. Chair.

6 Again, for the record I'm Polly Wheeler with the
7 Fisheries Information Services. I was recently hired by
8 OSM as the lead social scientist for the fisheries
9 Resource Monitoring Program. And I have responsibility
10 for all the harvest monitoring and TEK projects
11 statewide. There are six biologists, I think that work
12 for FIS and they each have an area but I have the whole
13 state so the biologist that you typically work with is
14 Cliff Schleusner and he and I worked together on a lot of
15 these projects but I'm going to be your FIS resource for
16 her.

17

18 I have this presentation in the salmon
19 colored handout that I just gave you. Because I thought
20 that I was initially going to be doing this for the
21 Western and the Eastern Interior Councils it's combined,
22 you will only be dealing with one and two on the purpose
23 slide two, you'll be just dealing with the revised --
24 review the revised Yukon River issues and information
25 needs and hopefully provide Council support and also
26 review and discuss the draft 2003 Fisheries Resource
27 Monitoring Program for the Yukon.

28

29 Last night I provided the same
30 presentation to the Western Interior Council and they
31 also had to go over the Kuskokwim presentation but
32 because you all just have the Yukon we'll just cover
33 items number 1 and 2.

34

35 So I'll go through this, I will -- I know
36 we had talked about possibly doing this as a consent
37 agenda item but I think it's probably better to just go
38 through the project, at least, kind of go through
39 everything. If you have questions as we're going along,
40 please ask them rather than wait until the end but I will
41 try and go through it as succinctly and concisely as
42 possible because I know you have a lot of items on your
43 agenda.

44

45 Just to give you a little bit of
46 background, on the Fisheries Resource Monitoring Program,
47 on Slide No. 4 on the bottom of Page 2, it's also on Page
48 112 in your Council books. By the way in this
49 presentation, everything that I cover is behind Tab E in
50 your Council books and I tried to, in the salmon colored

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1 handouts give you the page numbers in your Council books
2 as well so that you can refer to them.

3

4 In any event, figure one on slide four
5 gives you a history of the financial commitments to the
6 Fisheries Resource Monitoring Program. But for the
7 purpose -- you've probably all seen this before, probably
8 a number of different times but for the purposes of
9 today, the two bars that you probably want to look at are
10 the two to the far right. Basically what they show again
11 is the overall \$7.25 million that's going into this
12 program. For this year we had about \$1.8 million to
13 spend on projects statewide. For next year, for the call
14 for 2004 we'll have about 4.8 but, again that's
15 statewide. The formula for spending these monies was put
16 together by the Federal Subsistence Board at the
17 beginning of this program. It's a formula that hasn't
18 been revisited or changed but they figure out -- it's not
19 evenly distributed across the different regions in the
20 state. They decide on whether the highest priorities and
21 what regions deserve more attention. The Yukon and
22 Kuskokwim, this year, each -- the target amount for each
23 of those two areas was \$406,000 so roughly 800,000 of the
24 1.8 million, so there's a fairly substantial commitment
25 to these two areas, both the Yukon and Kuskokwim.

26

27 Next year, like I said, we'll be looking
28 at putting about \$4.8 million worth of money into
29 projects statewide, so it's a substantial -- it's a lot
30 more than we're spending this year, not as much as we
31 spent, say in 2001 but we're looking at a fair amount of
32 money although once you divide it up by region, you know,
33 it goes down a little bit.

34

35 Like I said, this is the fourth year of
36 the program, about eight million -- since the inception
37 of the program, about \$8 million has been spent on the
38 Yukon and Kuskokwim regions, funding about 60 projects so
39 there's been, again, a fair amount of emphasis on these
40 projects.

41

42 A lot of projects were started in 2000 or
43 2001 and the funding commitment ended this year. The
44 call for proposals for this year, the project that we
45 will be talking about we ask that projects not be
46 continuing funding but that they just be funded for one
47 year so that next year when we have that larger sum of
48 money we can actually look at the strategic priorities,
49 by region, focus the call and pick the best projects so
50 we're not -- we didn't fund a lot of continuing projects

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1 for this year, , you know, projects that go into
2 subsequent years because we want to make sure that we get
3 the biggest bang for our buck next year.

4

5 As far as the study selection goes for
6 FIS or for the Fisheries Resource Monitoring Program,
7 oversight is provided by FIS staff. We do work for the
8 Office of Subsistence Management. We take the initial
9 look at the proposals and the investigation plans. We
10 provide Staff support to the interagency Technical
11 Review's Committee. Tom Kron yesterday had mentioned the
12 Partners Program that is also within OSM within FIS and
13 we're proposing that next year -- or in this next review
14 process that we have several of the partners sit on the
15 Technical Review Committee so that they get a feel for
16 the projects for the whole process and right now there's
17 -- they're proposing that a biologist, one of the full-
18 time biologist position and the only full-time social
19 scientist position for the -- in the Partners Program
20 will be sitting on the TRC for this next round of
21 reviews. And just so that those guys get the feel for
22 the process.

23

24 In terms of evaluating the proposals and
25 providing recommendations for funding, we, FIS staff and
26 the Technical Review Committee look at the strategic
27 priorities, the technical and scientific merit, past
28 performance of investigators and the partnership and
29 capacity building component. Those are all figured in in
30 recommendations for projects.

31

32 And to be recommended for funding, the
33 projects need to satisfy all those different criteria.

34

35 The first item on your plate, so to speak
36 is on Slide 11 which is on Page 6. The revised Yukon
37 River Issues and Information Needs. As you probably
38 remember from your meeting in Circle last year, the need
39 to review and update the issues and information needs was
40 discussed at length, as was strategic planning. The
41 Yukon River Coordinating Fisheries Committee was -- or I
42 don't know if they were given or if they assumed the task
43 of looking at the issues and information needs and
44 revising it and working with Federal and State in-season
45 managers and OSM Staff to review those issues and
46 information needs. It was a lengthy, sometimes
47 contentious process in revising the issues and
48 information needs guide for the Yukon but I think the end
49 result has been a much improved guide.

50

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1 The guide is actually on pages 183 to 189
2 in your Council books, if you want to take a look at
3 that. I'm not going to go through it page by page but
4 just a few highlights.

5
6 The revised guide is based on the
7 original guide and it contains all of the issues and
8 information needs from the original guide. It does
9 include clarifying language to provide better
10 understanding of the issues and information needs. It
11 includes an introduction, which also contains a step by
12 step review of the process by which projects to -- wind
13 their way through FIS and then the Council review process
14 and the Federal Subsistence Board.

15
16 Basically the purpose of revising the
17 issues and information needs is to get at what -- get at
18 a more specific review of what the strategic priorities
19 are for the Yukon River region and this will be used to
20 clarify or refine the call for proposals on the next go
21 around.

22
23 At this point it's important to mention
24 that the coordinating fisheries committee did put a lot
25 of work into this and we really appreciate the work that
26 they put into it as well as Federal and State managers.

27
28 And at this point we have the revised
29 guide. The coordinating fisheries committee was sent the
30 revised guide in June, the final draft, Federal and State
31 managers have both signed off on the revised guide, they
32 feel like it accurately reflects the importance strategic
33 priorities for the Yukon River Region. So at this point,
34 Mr. Chair, I would ask that if there's any questions on
35 the revised Yukon River issues and information needs
36 guide and I can certainly answer them and also ask for
37 the Council approval of the revised Yukon River issues
38 and information guide so that we can use that for the
39 call for proposals in 2004.

40
41 Mr. Chair.

42
43 CHAIRMAN NICHOLIA: Is this the guide we
44 started developing at the Nenana meeting?

45
46 MS. WHEELER: Yes. Well, started the
47 revision process. And Mr. Chair, just as a reminder it
48 was sent to all the CFC members and I thought it was late
49 June but Donald just showed me this letter and it was
50 July 19th that it was sent out.

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1 CHAIRMAN NICHOLIA: So this issues and
2 information needs guidelines, from 185 to 189 and you
3 want support?

4
5 MS. WHEELER: Yes, Mr. Chair, we would
6 ask that the Council approve of the revised guide so that
7 it can be used in the call for proposals in 2004.

8
9 CHAIRMAN NICHOLIA: Yeah, I think I went
10 over this a couple times this last summer and I would
11 support it if the Council will.

12
13 MS. WHEELER: If we could get a vote to
14 that effect.

15
16 CHAIRMAN NICHOLIA: You need a motion and
17 second and question.

18
19 MS. ENTSMINGER: Call for unanimous
20 consent.

21
22 CHAIRMAN NICHOLIA: So moved.

23
24 MS. WHEELER: Mr. Chair, I'm having a
25 hard time hearing. I don't know if it's the rattling
26 above my head or what but I am having a hard time
27 hearing.

28
29 CHAIRMAN NICHOLIA: I know we had a lot
30 of deliberations and stuff in Nenana and a couple of
31 other meetings we had.

32
33 MS. WAGGONER: I move to support the
34 issues and information needs.

35
36 MS. ENTSMINGER: Second.

37
38 CHAIRMAN NICHOLIA: As a guide.

39
40 MS. WAGGONER: As a guide.

41
42 CHAIRMAN NICHOLIA: It's been moved and
43 seconded, is anybody going to question.

44
45 MR. UMPHENOUR: Question.

46
47 CHAIRMAN NICHOLIA: Moved and seconded
48 and questioned. All those in favor of the Yukon River
49 region subsistence fisheries monitoring issue -- issues
50 and information needs guide signify by saying aye.

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1 IN UNISON: Aye.

2

3 CHAIRMAN NICHOLIA: All those opposed,
4 same sign.

5

6 (No opposing votes)

7

8 CHAIRMAN NICHOLIA: Okay, you got our
9 support Polly.

10

11 MS. WHEELER: Thank you, Mr. Chair. Now,
12 if we could go onto the draft 2003 FRMP, Fisheries
13 Resource Monitoring Program plan for the Yukon River
14 region. Beginning on Page -- I'm sorry on Slide 15, Page
15 8 of your handout. It's an overview of the Yukon River
16 Fisheries Resource Monitoring Program. As I mentioned
17 earlier there's \$406,000 is the target for projects for
18 this year for the Yukon River. The Technical Review
19 Committee recommendation is based on a funding formula
20 where two-thirds goes to stock, status and trends
21 projects, one-third goes to harvest monitoring and TEK
22 projects.

23

24 A summary of the proposed projects, the
25 TRC recommendations and funding requests for the Yukon
26 River region projects can be found on Table 3 which is on
27 Page 117 of your Council books, it's also in your handout
28 on the next page and Table 4 which is on Page 118 of your
29 Council books. Table 3 provides an overview of the Yukon
30 River stock, status and trends projects that were
31 submitted for Fisheries Resource Monitoring Program
32 funding and consideration in 2003.

33

34 As you can see there is seven projects.
35 All of the projects were recommended for funding. One
36 was recommended for funding flat out, the other six were
37 recommended for funding with modifications and I'll
38 discuss these modifications here in a minute.

39

40 If you want to look at the specific
41 project descriptions, and the TRC recommendations, those
42 begin on page 131 of your council book.

43

44 There were two projects that were
45 initiated in 2000 that were originally funded by OSM, and
46 they're requesting \$116,400 in continuation funding for
47 2003. One of these projects is 00-023. It's the
48 humpback white fish in the Upper Tanana River Project.
49 This project is run by the, I always have to -- Fairbanks
50 Fish and Wildlife Service Office. It used to be called

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1 the fisheries resource office, but they changed names
2 recently, so it's the Fairbanks, or the Northern Alaska
3 Fish and Wildlife Service Office.

4

5 UNIDENTIFIED VOICE: It's the Fairbanks
6 Fish and Wildlife Office.

7

8 MS. WHEELER: Fairbanks Fish and Wildlife
9 Service Office. This is a three-year project. This is
10 the last year of the project. It uses radio telemetry to
11 study migration patterns in critical habitat areas of
12 humpback white fish in the Tetlin National Wildlife
13 Refuge. Randy Brown is the PI on this project. As I
14 said, it's a continuation project. It was originally
15 begun in 2000, and this will be the third year of the
16 funding. The TRC has recommended this project for
17 funding with no modifications.

18

19 Project 00-025 is the Henshaw Creek
20 salmon weir project, also run by the Fairbanks Fish and
21 Wildlife Service Office. It was also begun in 2000. It
22 provides run timing and escapement information for
23 chinook and summer chum in the upper Koyukuk River,
24 although it's primarily for summer chum, although it does
25 do a little bit of chinook.

26

27 The five other projects, or the other
28 five projects were previously funded outside of OSM.
29 They ask for a combined total of \$253,600, and they
30 included the following:

31

32 There's Project 03-013, the Gisasa River
33 weir, which provides escapement information on chinook
34 and summer chum salmon in the middle Yukon. It's also
35 run by the Fairbanks Fish and Wildlife Service Office.
36 this project was begun in 1994.

37

38 Project 03-034, the East Fork Andreafski
39 River weir project, provides escapement information on
40 chinook, chum, pink, sockeye, and coho salmon, and it
41 supports one of the most comprehensive data sets for
42 salmon escapement in the lower Yukon River. It also was
43 begun in 1994.

44

45 And project 03-014, the Chandalar River
46 sonar, uses split beam sonar to enumerate fall chum
47 salmon in the upper Chandalar, which is a major chum
48 producing tributary.

49

50 Those three projects, the Gisasa River

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1 weir, East Fork Andreafski weir, and the Chandalar River
2 sonar, as I said, were previously funded outside of OSM.
3 They were actually funded through a congressional
4 appropriation which was cut this year in the President's
5 budget, so they've asked the Fisheries Resource
6 Monitoring Program for funding for those projects. If
7 the funding is reinstated in the President's budget, the
8 Fairbanks Fisheries Resource Office has indicated that
9 they will drop their request for funding. We don't
10 really expect that that's going to happen given what's
11 going on nationally right now. But that is a caveat,
12 that if that funding is reinstated, that it will be --
13 the funding request will be dropped.

14

15 The other two projects is project 03-009,
16 the Tozitna River salmon weir. This was begun in 2001 as
17 a feasibility study. It's a BLM project. BLM had
18 entered into a five-year agreement with Tanana Tribal
19 Council with only two years of funding, so they're
20 requesting additional funding through OSM. They're
21 requesting just two-thirds of the project costs and
22 they're providing a one-third agency match, which is
23 something that we look kindly upon when there's matching
24 funding in there. And this project enumerates chinook
25 and summer chum salmon using resistance board weir on the
26 Tozitna.

27

28 And finally Project 03-038, run by Bill
29 Fliris, is the sub-district 5-A test fishwheel. It
30 provides run timing and catch per unit effort on chinook,
31 chum and coho. This has been funded on an annual basis
32 through the R&E fund of the U.S./Canada Salmon Treaty.
33 Mr. Fliris is hoping for a more long-term source of
34 funding, and that's why he's going through OSM.

35

36 So all of these seven projects in the
37 stock status and trends category were recommended for
38 funding by the TRC, the Technical Review Committee. That
39 is the -- all of the projects are technically sound. Six
40 of the seven projects provide important information for
41 in-season managers to assess salmon stocks.

42

43 The Technical Review Committee did
44 recommend increasing the capacity building component for
45 three of the projects, and it's the 025, which is the
46 Henshaw Creek salmon weir, 03-013, which is the Gisasa
47 River weir, and 03-014, which is the Chandalar River
48 sonar. So the TRC did recommend increasing the capacity
49 building component on those three.

50

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1 The other three projects, 03-009, 03-034,
2 and 03-038, the only modification requested was that they
3 go from a three-year project to a one-year project. And
4 again, that's so that we can narrow the call in 2004, and
5 be able to look at all the projects. Instead of having
6 these previous funding commitments which can be pretty
7 significant, we want to be able to look at all of the
8 projects in 2004 and evaluate which are the highest
9 priority based on the revised issues and information
10 needs. Yes, Mr. Chair?

11

12 CHAIRMAN NICHOLIA: I don't like this
13 idea of just recommend funding for only 2003 only. When
14 we started we did a lot of work to start these projects,
15 especially at Toz River. What Bill Fliris is doing in
16 the sub-district 5-A, well, that really helped the Fish
17 and Game out. The same fish. How come they only
18 recommended just for 2003 only? Do they have to reapply
19 next year again, or.....

20

21 MS. WHEELER: Yes, again, it's to focus
22 the call for next year. It was felt that they didn't
23 want a lot of commitments coming into 2004. It does not
24 mean that they won't be considered for funding. It just
25 means that they need to put in again next year, and again
26 next year there's the 4.8 million statewide, and so.....

27

28 CHAIRMAN NICHOLIA: Is this the same
29 Technical Review Committee that I was dealing with last
30 year?

31

32 MS. WHEELER: Yes.

33

34 CHAIRMAN NICHOLIA: How come they don't
35 get changed every year so I don't have to deal with the
36 same people?

37

38 MS. WHEELER: Well, that's something
39 that's bigger than I am, Mr. Chair, but these guys have a
40 -- I mean, not guys, because there are some women on it
41 as well, but these people do have this -- they're
42 considered experts for their respective agencies, and
43 they have a good historical sense of the projects that
44 had been funded. As I mentioned earlier, the partners
45 are going to be -- two of the partner positions will be
46 sitting on it next year for the next go around anyway, so
47 they can add some perspective.

48

49 CHAIRMAN NICHOLIA: It seems like last
50 year that even if we did make recommendations or did

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1 support it, they got their own way anyway.

2

3 MS. WHEELER: Well, Mr. Chair, just to
4 remind you, the Technical Review Committee is making
5 recommendations to the Regional Advisory Council. You
6 all vote on whatever you vote on, thumbs up or thumbs
7 down on the recommendation, and then that goes before the
8 Federal Board. So the Federal Board is -- you have the
9 second to final say, and then the Federal Board has the
10 final say.

11

12 CHAIRMAN NICHOLIA: I know all these
13 projects are good, but there's a lot of other good ones
14 that was in there that really got cut out that needed
15 being there. Just for the stocks of concern. But I
16 would support these projects, all seven of these projects
17 as modified or as voted on, but I just don't like just a
18 commitment for only 2003 only.

19

20 MS. WHEELER: Mr. Chair, if I could, you
21 could make the recommendation that certain projects be
22 given -- you know, I mean, you don't necessarily have to
23 go with the Technical Review Committee recommendation, or
24 you can also say that you expect to see these projects
25 next year up for consideration.

26

27 CHAIRMAN NICHOLIA: I know they're going
28 to come up for consideration again. I just say that we
29 support it as is, just the way it is, even if they
30 recommend funding for 2003 only.

31

32 MS. WHEELER: I believe that the projects
33 that you're specifically concerned about would fall well
34 within the strategic priorities for the Yukon, so it will
35 undoubtedly be considered.

36

37 Mr. Chair, if I could continue with the
38 harvest monitoring and TEK projects, and then I'll ask
39 you to vote on them as a group.

40

41 On slide 22, which is on page 11 of your
42 handout, is table 4. Table 4 provides an overview of the
43 Yukon River harvest monitoring and traditional ecological
44 knowledge studies submitted for Fisheries Resource
45 Monitoring Program funding. There's four projects as you
46 can see on the table. Two of the four have been
47 recommended for funding. Project descriptions and TRC
48 for Yukon River Region projects begin on page 159 of your
49 Council book. Slide 23 on page 12 is where I'm at just
50 to give you a touchstone there.

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1 Project 00-022, the Hooper Bay
2 subsistence salmon monitoring project is asking for a
3 third year of project funding. It's an ongoing project
4 between Fish and Game and Hooper Bay Traditional Council
5 to collect in-season subsistence salmon harvest, daily
6 catch and effort information in the coastal district.
7 The first year there some bumps along the way, but this
8 year as I understand it, things just went really
9 smoothly, and the project is turning out really well, so
10 they are asking for an additional year of funding on that
11 project.

12
13 And the other project is a new project,
14 Project 03-015. It's the phenotypic characterization of
15 chinook salmon in the subsistence harvest. This is
16 proposed by YRDFA and the Fish and Wildlife Service. It
17 proposes a one-year pilot study to evaluate local
18 observations of differences in several Yukon River
19 chinook salmon stocks, but genetically evaluating the
20 different stocks. So it's kind of a neat project,
21 because it provides a nexus between traditional
22 ecological knowledge and biological information.

23
24 For those of you that don't know, along
25 the Yukon people oftentimes talk about blue backs and
26 white nose in the chinook stocks. So they're going to
27 actually take people out who identify these different
28 stocks, and then test them genetically to see if they're
29 actually discrete stocks.

30
31 The other two projects on table 4 were
32 not recommended for funding by the Technical Review
33 Committee. Project 02-122, which is the in-season
34 harvest assessment of Yukon River chinook and chum
35 salmon, and project 03-036, the Upper Tanana subsistence
36 fisheries traditional ecological knowledge study. Both
37 projects contain some really good ideas, but the TRC felt
38 that they needed further refinement before they could be
39 considered -- before they should be, you know, considered
40 for funding.

41
42 So the TRC recommended increasing the
43 capacity-building component for the project 03-015, the
44 phenotypic project.

45
46 And the funding request for the Yukon
47 River harvest monitoring TEK studies in FY 2003 total
48 approximately \$135,000, but the proposed selections that
49 were recommended for funding are at \$43,000. So the
50 stock status and trends amount is over the target amount,

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1 but the harvest monitoring/TEK projects are under the
2 target amount, so as a group they come in at about -- the
3 nine projects together that were recommended for funding
4 by the TRC come in at about \$413,000 which is within
5 about two percent of the budget target. I will note that
6 this is not a pattern that's starting to emerge here.
7 It's my hope that in subsequent years we keep to the two-
8 thirds/one-third funding formula where we have enough
9 projects that have good technical merit on the harvest
10 monitoring/TEK side of things but this year we just felt,
11 or TRC felt that they weren't quite there yet.

12

13 As far as the funding breakdown goes,
14 it's 17 percent to NGOs, 80 percent to federal agencies
15 and three percent agencies. Again, that's also not a
16 pattern that's starting to emerge. It was part of -- a
17 lot of the projects that were submitted for the Yukon
18 this year were federal projects, but as a general rule,
19 that's not going to be the pattern as was established by
20 the Federal Board at the beginning of this program where
21 the federal agencies were not going to get the bulk of
22 the funding.

23

24 All of the recommendations by the TRC of
25 the projects, the address important strategic priorities.
26 They employ sound technical methods, and with
27 modification they provide for the capacity building
28 component.

29

30 So at this point, Mr. Chair, I would ask
31 if you have any questions, I can certainly answer them,
32 and if not, I can go on to the one interregional project
33 that was submitted, and then I will ask you to vote on
34 the projects as a group.

35

36 CHAIRMAN NICHOLIA: Have any questions
37 for her? We'll go Tricia and then Virg.

38

39 MS. WAGGONER: Personally, I don't like
40 seeing the one-third/two-thirds split broken. If those
41 projects were to be put back in the budget that are the
42 stock status, could that money be put back over into the
43 TEK program projects?

44

45 MS. WHEELER: The TRC is -- I mean, I'm
46 sorry, the Council is free to do what the Council wants.
47 It may mean that one of the projects on the stock -- I
48 mean, when all of the projects are looked at as a group,
49 there may be some difficult decisions that are made on
50 the stock status and trends side of things.

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1 MS. WAGGONER: Yeah, but what I'm saying
2 is, would those projects that are new to us, like the
3 Chandalar sonar project, if that congressional
4 appropriation money were to come back would that be moved
5 back over to fund these TEK projects?

6
7 MS. WHEELER: Oh, absolutely. I mean,
8 this is a one year thing. It's not anticipated that this
9 is going to be -- believe me, I will not let the one-
10 third/two-third's split go away. I mean, I'm going
11 advocate strenuously, you know, for the social science
12 side of things. So, yeah, if the congressional funding
13 gets reinstated, then I would anticipate that that could
14 go in. But because those two projects that were not
15 recommended for funding, I mean, the TRC didn't say, yes,
16 with modification. The TRC recommended no, because they
17 needed further revision. So I don't know where that
18 leaves you.

19
20 CHAIRMAN NICHOLIA: Okay. Virg?

21
22 MR. UMPHENOUR: I wanted to ask about
23 this 015. It's going to be done at Pilot Station I
24 assume from reading it, determine if there's any genetic
25 differences in blue back and white nose king salmon, so
26 they're going to, from reading this, what I understand is
27 YRDFA's going to hire one individual that can identify
28 these fish, and I assume when they that portion of test
29 fishing, they're going to collect the samples, is that
30 what they're planning on doing?

31
32 MS. WHEELER: Yes.

33
34 MR. UMPHENOUR: Okay.

35
36 MS. WHEELER: But I will say that there
37 is an increased -- the TRC recommended that there be an
38 increased -- there needs to be a cross check of just one
39 person looking at these fish and seeing what they are.
40 There's going to be -- they need to use several different
41 people that agree on whatever the designation is, so
42 there's going to be little bit more cross checking built
43 into the project.

44
45 MR. UMPHENOUR: Okay. So now my next
46 question is, are they going to -- \$13,700, is that enough
47 money to take enough samples of say a white nose and a
48 blue back? I think you need at least 100 samples for it
49 to be a scientifically credible experiment. That's not
50 enough money for 200 or 300 samples, is it, to be

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1 analyzed in the GSI lab they've got?

2

3 MS. WHEELER: Well, it's my understanding
4 that it was YRDFA and the Conservation Genetics Lab that
5 put the project in, and the Conservation Genetics Lab
6 would certainly know what the samples cost, so they put
7 in the budget. It is an extremely reasonable amount but
8 we're assuming that there's enough money in there to do
9 what they say they're going to do.

10

11 MR. UMPHENOUR: Because it's about \$100 a
12 sample, 100 samples is \$10,000, right? 100 times 100.

13

14 MS. WHEELER: There's not a lot of staff
15 time involved in this project.

16

17 MR. UMPHENOUR: We've got.....

18

19 MR. WISWAR: Could I step forward and
20 clarify some of this please? Is this on already?

21

22 UNIDENTIFIED VOICE: Uh-huh.
23 (Affirmative)

24

25 MR. WISWAR: Okay. My name is David
26 Wiswar. I'm with the Fairbanks Fish and Wildlife Service
27 Office. It's been a while since I reviewed it, but I was
28 one of them that put in the proposal. This is part of a
29 bigger project, so the cost for the sampling or the
30 analysis is already kind of -- it's the same samples that
31 will be taken at Pilot Station in the test fishery
32 anyway, so this is just the money that was asked for and
33 being for the genetic section. It's more or less a
34 little bit of an add-on to their already proposed
35 analysis and work-up of the samples.

36

37 MR. UMPHENOUR: Okay. So it's still
38 around \$100 a sample, isn't it?

39

40 MR. WISWAR: I don't know what it cost
41 per sample, but as I said, this is part of a sampling
42 program that is already in place, and this will be for
43 additional analysis, not for the total sample work-up.
44 They're using the same samples that are used as part of a
45 bigger genetics project.

46

47 MR. UMPHENOUR: Okay. Thank you.
48 Because I couldn't see how that's enough money to do what
49 would be considered a scientifically sound GSI study.

50

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1 MR. WISWAR: Uh-huh. Yeah, there's some
2 add-on, or not add-on, but there's matching funds that
3 were provided by the Genetics Lab that will take care of
4 that.

5
6 MR. UMPHENOUR: Thank you.

7
8 CHAIRMAN NICHOLIA: Okay. Next time you
9 guys go at us like this low thing here, it should state
10 in there that it's in a cooperation then, it's already
11 joining another funding source.

12
13 MR. WISWAR: I thought it was linked to
14 that. I haven't read what's in there, but initially the
15 proposal put in had that, a block in there for matching
16 funds.

17
18 CHAIRMAN NICHOLIA: Thank you. Move on?

19
20 MS. WHEELER: Mr. Chair, on slide 28 on
21 page 14 of your handout, there's one inter-regional
22 project that was submitted for funding consideration.
23 It's project 03-039, investigations of a life history
24 approach for managing Alaskan salmon. It's the only
25 project that was submitted in the inter-regional stock
26 status and trends category. It's a three-year project
27 for roughly \$260,000, and the project would apply a
28 theoretical model to study salmon populations using coho
29 in Southcentral and Southeast Alaska validate the model.
30 The TRC did not recommend this project for funding as it
31 does not deal with stocks of concern in Western Alaska,
32 and its applicability to these stocks of concern is
33 questionable. And there were no harvest monitoring/TEK
34 projects that were submitted in the inter-regional
35 category.

36
37 So, Mr. Chair, at this point, I would ask
38 that the Eastern Interior Council provide their
39 recommendations on the Technical Review Committee
40 recommendations for the Yukon River stock status and
41 trends, and harvest monitoring/traditional ecological
42 knowledge projects, Mr. Chair.

43
44 CHAIRMAN NICHOLIA: In my view, all these
45 projects accomplish something as far as what we're trying
46 to do here to conserve these stocks of concern, but when
47 you cut out some other projects under this one-third or
48 two-third thing, and then you don't -- you have like
49 extra money here that's 65,700 or whatever, that just
50 looks like -- I guess there is no more projects, that's

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1 the only project, but I will go ahead and support the
2 Technical Review Committee, their deal. That's my
3 intention, but I'll leave it up to my Council.

4

5 MS. WHEELER: Just for clarification, Mr.
6 Chair, there's seven stock status and trends projects,
7 and two harvest monitoring projects that have been
8 recommended for funding for the Yukon -- as part of the
9 Yukon River suite of projects.

10

11 MS. ENTSMINGER: Yeah. Thank you, Mr.
12 Chair. Being new in this whole process here, I don't do
13 much on the Yukon, but right now does the State have
14 similar projects going on, or is there duplications or is
15 this all new. Maybe give me a short overview?

16

17 MS. WHEELER: Yeah. No, that's a good
18 question. Actually the State submits a fair number of
19 proposals for funding consideration, and, you know,
20 they're going to be working on some of these projects.
21 One of the goals of the program is that there not be
22 duplication, so that there -- I mean, there's a limited
23 pool of money out there, so we need to put it out as best
24 as we can and not duplicate effort, so that's one of the
25 things that's considered by us as FIS staff, and also by
26 the TRC, that it not duplicate effort.

27

28 And the State has put in for a number of
29 different projects, and actually they have a lot of
30 projects going on the Kuskokwim, just for some reason
31 they didn't put many in on the Yukon side of things, but
32 anybody's free to put in. You know, there's Federal
33 agencies, State agencies, private individuals,
34 university, anybody's free to put in project proposals.
35 The key, and this is something that people sometimes
36 don't remember on the social science of things is that,
37 there are a lot of different projects that have been
38 funded, but the critical feature is that the projects
39 have to do research that provides information for
40 fisheries management, Federal subsistence fisheries
41 management. And, you know, that's the link that needs to
42 be there in all of these projects, but it's critical that
43 it be in on the harvest monitoring and TEK side of
44 things, because sometimes that's where the projects fall
45 down.

46

47 MS. ENTSMINGER: One more question. The
48 State, do they do similar types of projects that we're
49 working on here also? Or is this like a brand new, more
50 information than we've ever had before?

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1 MS. WHEELER: That's what we're aiming
2 towards.

3
4 MS. ENTSMINGER: Okay.
5

6 MS. WHEELER: I don't know if there's
7 somebody in the State here that wants to speak to their
8 involvement in projects, but this is supplemental. I
9 mean, it's not replacing what the State's doing. It's in
10 addition to, but it's not duplicating effort.

11
12 MS. ENTSMINGER: Thank you.
13

14 CHAIRMAN NICHOLIA: Yeah I sat on the
15 memorandum of agreement working group, or whatever, and
16 that was one of our main points is that on these harvest
17 resource monitoring projects and other things, is that
18 the State and Federal do not duplicate it, because of the
19 limited amount of funding that is out there.

20
21 MS. WHEELER: And just as a point of
22 information, there's a couple of other efforts that are
23 going on out there. There's the AYK Sustainable Salmon
24 Initiative, which is gearing up, and they will be
25 probably funding a very limited number of projects that
26 will be in the water next summer, but after that, they've
27 gotten some congressional monies, so that's an effort
28 that's going to be focusing on Western Alaska, the Yukon
29 and the Kuskokwim and Norton Sound. There's the Norton
30 Sound initiative as well. And then, of course, the
31 U.S./Canada R and E funds. So there's some other
32 parallel planning processes that are going on, or
33 projects that -- processes that are funding projects.
34 And we're all trying real hard to coordinate so that
35 there isn't duplication of effort anywhere, because there
36 is such limited funding, and so much that we need to
37 know.

38
39 CHAIRMAN NICHOLIA: Any more questions?
40

41 MR. UMPHENOUR: I move to that we accept
42 the projects that have been presented to us, to support
43 them.

44
45 CHAIRMAN NICHOLIA: By the Technical
46 Review Committee?

47
48 MR. UMPHENOUR: By the Technical Review
49 Committee.

50

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1 MR. WILDE: Second.

2

3 CHAIRMAN NICHOLIA: I can't move, and I
4 can't second, and I can't call question.

5

6 MS. WAGGONER: Question.

7

8 CHAIRMAN NICHOLIA: Okay. It's been
9 moved, seconded, and question. All those in favor of the
10 Yukon stock status and trends and harvest monitoring
11 proposed as recommended by Technical Review Committee,
12 signify by saying ayes.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN NICHOLIA: All those opposed?

17

18 (No opposing votes.)

19

20 CHAIRMAN NICHOLIA: You've got your
21 support.

22

23 MS. WHEELER: Thank you, Mr. Chair, and
24 just one final point, and we don't have to cover the
25 Kuskokwim, but one final point is that as I said, I am
26 the anthropologist statewide on the harvest monitoring
27 and TEK projects, so I encourage you to let folks know
28 that I'm here. And I'm actually based in Fairbanks. I'm
29 the only FIS person in Fairbanks, but that's where I am.
30 But I encourage you to let folks know that I'm available,
31 and if they want me to look at proposals or talk about
32 ideas or anything like that, to please contact me.

33

34 CHAIRMAN NICHOLIA: There's another thing
35 that you can do is like there's a lot of -- I think
36 there's a lot of tribal councils, especially in my
37 region. Between the Western and Eastern Interior
38 Regions, there's a lot of councils that want to know
39 about these harvest monitoring, like Loudenville Tribe,
40 Ruby I think is one that is in the Western Interior, and
41 I would like their offices, tribal offices to know
42 (indiscernible) tribal offices in the TCC region, and
43 they'd like to.....

44

45 MS. WHEELER: Yeah, I'd like to know
46 (indiscernible) spent quite a bit in trying to figure out
47 (indiscernible).

48

49 CHAIRMAN NICHOLIA: Uh-huh. But one
50 thing about TCC, too, though, they go to the office that

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1 the person likes. There's only like -- out of the 42,
2 there's only like six that's been contacted some times,
3 and Tanana is always mostly left out of it. Thank you.

4

5 MS. WHEELER: Please spread the word, and
6 let them know, and I'll remind us, too. Thank you, Mr.
7 Chair.

8

9 CHAIRMAN NICHOLIA: Okay. Dave? Donald?

10

11 MR. MIKE: Mr. Chair, the next thing on
12 our agenda is the customary trade. Yesterday you heard
13 the presentation by Peggy Fox on the request for the
14 Federal Subsistence Board to delay any action on the
15 customary trade regulations, so this will give an
16 opportunity for the councils to review their
17 recommendations from last year, or make any further
18 recommendations or have any recommendations. The agenda
19 item we're going to be discussing next is customary
20 trade.

21

22 CHAIRMAN NICHOLIA: Yeah, I wasn't there
23 at Circle Hot Springs. I would have made a big
24 difference I guess. Like was said yesterday, all this
25 started is just from one person selling Y-1 fish to some
26 processor in Anchorage that was based out of Seattle, and
27 it just got overblown. So in my view, for the people I
28 support on the Yukon, I support alternative 1, because
29 this thing just got way blown out of proportion. Go
30 ahead, Tricia.

31

32 MS. WAGGONER: I'm glad you said that,
33 Gerald, and I'm glad you're here for this. And I think
34 we should really consider Stan and Bill's comments
35 yesterday, and, you know, we might even want to totally
36 just revise and take a look at maybe just talking about
37 processed versus unprocessed fish. But I agree, it
38 definitely needs to go back to being simpler.

39

40 MR. MIKE: Mr Chair? Yeah, the
41 recommendations that the Council is in customary trade
42 supplemental materials. It was in the folder I gave
43 Council members yesterday. And the Eastern Interior's
44 recommendation starts on page 16.

45

46 CHAIRMAN NICHOLIA: I think we heard all
47 the views from like Stan and Bill Fliris yesterday. Like
48 what they said, \$200 ain't going be -- that ain't even
49 going to buy one week's of gas for these people that is
50 doing out there, going out there doing more work than

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1 it's actually worth, in trying to put fish strips. And
2 most of those fish strips are being sold within is to
3 rural to rural within that region. So I hardly see any
4 of it, besides the point that German (ph) in his other,
5 wherever he got them from, so it's people that sold fish
6 strips in Anchorage that time at AFN, they weren't even
7 natives. They were, I don't know, different nationality.
8 But we took a lot of fall, because they look like natives
9 and they were selling fish strips down in Anchorage, and
10 they said they got them at Callins, but, yeah, they got
11 at Callins, but they transported them all the way to
12 Nenana and processed them there. There's a lot of things
13 like that that gives a bad look on people in my region.
14 Sure, they go down there and tell German and his little
15 cohorts get the heck out of there, but we ain't like
16 that. We give everybody opportunity. But when you give
17 people opportunity like that, it puts a bad light on
18 people like Lester, Stan, and Bill Fliris and whoever
19 else, Freddie Jordan. Freddie Jordan ain't around any
20 more. So I will support alternative 1. Go ahead.

21
22 MR. UMPHENOUR: I won't and I'll tell you
23 the reason why. You need to take and look starting on
24 page 16 at the changes we made, and I think what we
25 should do, that we voted on, is we should go over them,
26 have a short discussion so that you understand why we
27 recommended what we recommended and then if you don't
28 like what we recommended, or the reasoning behind it,
29 then you can tell us and we can all decide whether we
30 want to change it or not change it, but I'm not going to
31 just go along with status quo. Because status quo is not
32 working.

33
34 And you just pointed out some of the
35 abuses of status quo is what you just got through doing.
36 And you even named the people, only instead of saying --
37 one's German and one's Filipino, they're aliens
38 participating in customary trade. Foreigners.

39
40 But I think we should just go right down
41 through what's in the book starting at page 16, discuss
42 it. If we agree on it, we agree on it, we leave what we
43 already did. If we don't agree on it, then we discuss
44 it, we decide whether we want to change it, or whatever
45 changes we want to make. That's what I think we should
46 do, instead of just rubberstamp status quo, which is not
47 working, which has caused lots of problems with illegal
48 operators, with people that are using subsistence calling
49 a commercial activity subsistence, because it's not
50 subsistence. It's a commercial activity. And it's also

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1 violating all the health standards that we have in the
2 State and the Federal and the international rules.

3

4 CHAIRMAN NICHOLIA: But what I'm saying
5 here is do you think \$200 by one rural resident selling
6 to others is going to provide them anything?

7

8 MR. UMPHENOUR: What I think we should do
9 is just start where it says Region 9, Eastern Interior,
10 on page 16, go through it instead of jumping all over the
11 place, part by part and if we agree on something, then we
12 agree on it. If we don't agree on it, we don't agree on
13 it and we can vote on it.

14

15 CHAIRMAN NICHOLIA: Okay. I am looking
16 at it, transactions between rural residents. Exchange
17 between rural residents for customary trade, for
18 subsistence harvested eggs -- except eggs, I like that
19 idea, legally taken under regs and processed using
20 customary and traditional methods is permitted. Regs.
21 Transactions between rural residence as a customary trade
22 for fish, their parts, except eggs be taken in regulation
23 as part for a rural resident to other than rural resident
24 is permitted as long as it is used for personal or family
25 consumption of the individual who purchased the fish.

26

27 MR. UMPHENOUR: Do you agree with that?

28

29 CHAIRMAN NICHOLIA: I don't agree with no
30 conscious (ph) and dollar value that does not exceed \$200
31 per year.

32

33 MR. UMPHENOUR: No, I mean, with what you
34 went through, with what we struck out and what we added,
35 do you agree with that? We took out the eggs so that you
36 can't sell eggs. And then what we did, we took out the
37 eggs again in 12, and then we struck out to commercial
38 entities other than fisheries businesses or from a rural
39 resident. We struck that out. And then we also struck
40 out that customary trade does not constitute a
41 significant commercial enterprise, and put in it is used
42 for personal or family consumption of the individual who
43 purchased the fish. What that does is that makes it so
44 that Herman the German, if you're going to use the names,
45 or all these people at Holy Cross that run a big strip
46 factory, and they have a lady from Wasilla and a lady
47 from North Pole running a commercial vacuum sealer down
48 there, to sell their strips.

49

50 CHAIRMAN NICHOLIA: But we are dealing

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1 with Eastern Interior, Virgil.

2

3 MR. UMPHENOUR: We're dealing with the
4 rule that would apply to the entire State is what we're
5 dealing with, and we're keeping -- those people doing
6 that have a direct impact on the fish that get to Tanana
7 or anywhere in the Eastern Interior, because they have to
8 pass through that, swim right past that village where
9 they're doing that. The people that are bragging they're
10 making 20 to 30,000 a year off of their subsistence
11 fishing. Okay. So what this does is makes it so that
12 these people cannot sell their product to a grocery store
13 or a tourist trap along the highway or anyone else that
14 is going to sell to the general public. That's all
15 that's doing, which is in keeping with all the health
16 regulations that are in effect by the State and Federal
17 Government. You cannot, unless the fish are processed
18 under inspection, then they cannot be sold to be resold.
19 You can sell them to the person for their personal or
20 family consumption. Personal or family consumption of
21 the people that buy the fish, but not wholesale to be
22 resold. That's why I wanted that in there, is because
23 this would basically prohibit wholesaling subsistence
24 fish that are going to be resold to someone else, because
25 then it really is a commercial enterprise if they're
26 involved in the wholesale of subsistence-caught fish. If
27 you're selling them to Tom Kron, he wants to go buy 10
28 pounds of strips, take them home, he's got three boys
29 that eat a lot, and him and his wife and kids are going
30 to eat them. He's going to maybe give some to his
31 brother in law or someone else to eat, that's customary
32 trade. But wholesaling them, you know, 100 pounds at a
33 time or whatever to a business that's going to resell
34 them to the general public, that to me is a commercial
35 enterprise.

36

37 CHAIRMAN NICHOLIA: We're not doing that
38 in this region.

39

40 MR. UMPHENOUR: No, what I'm saying is
41 the changes we've made, and I'd like to get other Council
42 members' opinions, this would prohibit the wholesaling
43 for resale of fish under customary trade. It would
44 permit the sale for personal and family consumption.

45

46 CHAIRMAN NICHOLIA: I know that, but
47 between rural residents, there's no restriction, but
48 between rural residents around Tanana for like the people
49 I represent, there's hardly any money there for them to
50 -- the only way they could buy gas and stuff is between

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1 rural residents and others, and it does not tell how are
2 they going to make -- how they're going to make ends meet
3 with just this \$200, that's what I'm saying. I'm not
4 trying to restrict the people I represent, I'm trying to
5 help them, and what they're bringing up is the enterprise
6 has got to be -- like go through all these things you're
7 saying, but what you're really doing to the people I
8 represent is restricting them.

9

10 MS. ENTSMINGER: Point of clarification.
11 Gerald, these -- all this stuff kind of in parenthesis at
12 the bottom, there was no consensus on it. It was just
13 discussion points, and actually just the language of 12.
14 I mean, we were given this thing, four us brand new board
15 members, to look at and we decided that we weren't going
16 to support anything and just put something out there that
17 maybe we could agree on. So all of this stuff here was
18 just talking. It wasn't really coming up with something
19 that belongs in there. And I'm real open to hear what
20 you have to say on all this. And I also would like to
21 keep things simple.

22

23 CHAIRMAN NICHOLIA: Yeah, this is just a
24 big example of micro-management that I don't want this
25 Council to support. Go ahead, Tricia.

26

27 MS. WAGGONER: Yeah, I agree with you,
28 because I mean it's not our job. We're the Regional
29 Advisory Council for subsistence management. We aren't
30 here to debate health laws, and we aren't here to debate,
31 you know, public health of the foods they eat and where
32 they get their foods. So, I mean, to me that shouldn't
33 even be considered. We should be looking at what the
34 people within the Eastern Interior Regional area dealing
35 with customary trade, and I don't know anybody within
36 this area, Holy Cross is in the Western, and what happens
37 on the lower, but within this area, there's nobody making
38 money off of customary trade on this upper part of the
39 river. And so I would just like to see it very, very
40 simple.

41

42 CHAIRMAN NICHOLIA: Go ahead

43

44 MR. UMPHENOUR: Okay. What Sue just got
45 through saying is everything -- we had a number of things
46 that we discussed. That's printed in here. We didn't
47 vote on those. What we voted on, we did vote or we
48 didn't agree. What we agreed on are the things that are
49 scratched out, like in 11 we took out eggs so that under
50 customary trade you can't remove the eggs from the fish

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1 and sell the eggs. And then in 12 between rural
2 residents and others, we agreed on taking the eggs out
3 there. And then we also struck out other parts which I
4 explained a little bit a minute ago, and the intent for
5 that was that people can't wholesale subsistence-caught
6 fish to someone that is going to resell them. That was
7 the purpose of that. And so what I think we should do
8 procedurally is see if we still agree on those things,
9 and then we can discuss the other stuff that we didn't
10 agree on previously, and we may want to make a
11 recommendation on some of those things, and we may not.
12 But that's what I think we should do is see if we still
13 agree on the things we agreed on before, which like under
14 11, transactions between rural residents, we just took
15 out the eggs. That's the only thing we did.

16

17

18 And then did we put the egg exception
19 does not apply to whole fish? Or was that already in
20 there? I think we added that, didn't we?

21

22 MR. MIKE: I think that was part of the
23 discussion.

24

25 MR. UMPHENOUR: Yeah, I think we added
26 that. We stuck that in there.

27

28 And then the other part under 12, we took the
29 eggs out again, and then we scratched out those other
30 things, to commercial entities other than fisheries
31 businesses or from a rural resident. We took that out.
32 So that that's not permitted, because we discussed
33 whether you should be selling to commercial entities that
34 are going to resell it.

35

36 CHAIRMAN NICHOLIA: This is.....

37

38 MR. UMPHENOUR: So the question is, do we
39 want people to take the fish under customary trade
40 regulations and sell them to, if Safeway would buy them,
41 say, to Safeway so they can sell them to everyone that
42 walks in the door. Do you want people to be able to go
43 catch a bunch of king salmon up there and haul them into
44 town and sell them to Safeway. They could hire me to
45 clean them, and this rule would allow that to happen,
46 they would be clean under inspection, and then.....

47

48 CHAIRMAN NICHOLIA: Wait.

49

50 MR. UMPHENOUR:just sell them all

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1 to Safeway, and the commercial will sell them to who they
2 want.

3

4 CHAIRMAN NICHOLIA: A commercial entity
5 other than fisheries business or from a rural resident.
6 This is written wrong. This is not what that customary
7 working group put down. It was to a commercial business,
8 to commercial entities for the person to have her put her
9 jars of fish, jars of egg to sell them to other rural
10 residents within that village.

11

12 MS. ENTSMINGER: So that should be under
13 11?

14

15 CHAIRMAN NICHOLIA: No, this is where
16 Bert Griest brought this up in the Northwest Region, this
17 whole thing, section 12, this part to commercial entities
18 is written wrong. This is not what I remember what we
19 worked on two years ago.

20

21 MR. UMPHENOUR: But it's what was
22 presented to all the RACs in the State.

23

24 CHAIRMAN NICHOLIA: Uh-huh.

25

26 MS. ENTSMINGER: What is the language, do
27 you know?

28

29 CHAIRMAN NICHOLIA: It was to commercial
30 -- it was for the rural resident to put their wares up on
31 the commercial entities to sell to the rural residents
32 within that village, and they just reworded it wrong
33 here, but I see what you're saying there. I support
34 that, but there's a lot of people in Tanana that puts
35 their like strips, little jars of strips, little bags of
36 strips within the store, it used to be, it doesn't happen
37 no more because they closed down that one store and
38 Cynthia Erickson wouldn't allow that. But it was an
39 avenue for an old lady to put her wares in the store and
40 have -- make a little money to pay some of her bills.
41 That was the idea behind that right there, but that was
42 wrong. I agree to strike that out, but to individuals
43 other than rural residents as permitted as long as the
44 customary trade does not constitute a significant
45 commercial enterprise. We need that in there, because if
46 we don't have it in there, we're just defeating the whole
47 purpose of 12. This is what the law enforcement wants in
48 there.

49

50 MR. UMPHENOUR: No, the law enforcement

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1 does not want that in there, because there's no
2 definition of what a significant commercial enterprise.
3 Someone should go call the head law enforcement, Corky
4 Roberts, and ask him to come over here. He should be
5 here right this minute. He's right here in Fairbanks.

6

7 CHAIRMAN NICHOLIA: Go ahead, Donald.

8

9 MR. UMPHENOUR: So we can find out what
10 law enforcement really wants. He's the head law
11 enforcement officer for the Feds, for all of northern
12 Alaska, and he's only a mile from here. He should be
13 here right now when we discuss what law enforcement
14 wants, because he'll tell us what law enforcement wants.

15

16 MR. MIKE: Mr. Chair, I believe on page
17 one on the proposed rules, the proposed rule was
18 developed, I believe, by the customary trade working
19 group. And they asked all the 10 Regional Councils in
20 the State to look at that and develop their own
21 recommendation and I think as a result the Eastern
22 Interior came up with their recommendation starting on
23 page 16. But on page one the proposed rule language was
24 developed by the customary trade working group. Just for
25 clarification. Thank you, Mr. Chair.

26

27 MR. UMPHENOUR: Mr. Chair, Mr. Zuray in
28 the audience wanted to throw his opinion in here. I
29 think that's appropriate, I don't know whether it is nor
30 not, but.....

31

32 MS. ENTSMINGER: It's your call I think,
33 Gerald?

34

35 CHAIRMAN NICHOLIA: Hmm?

36

37 MS. ENTSMINGER: It's your call I think.

38

39 CHAIRMAN NICHOLIA: Yeah, I'm just
40 reading this over to see what was changed in here. I
41 don't think this customary trade is ever going to get
42 settled.

43

44 MS. ENTSMINGER: I agree.

45

46 CHAIRMAN NICHOLIA: Because we're just
47 going too -- there's just way too many differences of
48 opinions here. I'm either going to support the people I
49 represent on the Yukon River, or not support them, their
50 lifestyles, the way they live. They don't live on the

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1 road, they don't live here in Fairbanks, they don't live
2 down the highway, but they do make money selling to
3 other, and that's just what we agreed, Craig Fleener and
4 other Council members add, was a limit of \$1,000. And
5 the only place that these regulations are going to take
6 effect within our Eastern Interior Region is in the Yukon
7 Flats and maybe up on the upper reaches of the Tanana
8 River. It doesn't affect the Tanana area, it doesn't
9 affect the Manley area, and it doesn't affect the Rampart
10 area where most of the strips do come out of the Eastern
11 Interior Region.

12

13 MR. UMPHENOUR: This rule will effect the
14 entire state.

15

16 MS. WAGGONER: No, it won't. It's on
17 fish taken in federal waters. This is the way I
18 understand it. If Sam's doing it in his fish wheel for
19 Rampart Rapids, that's a State problem, right?

20

21 CHAIRMAN NICHOLIA: Uh-huh.

22

23 MS. WAGGONER: And so it's only on fish
24 that's taken within federal waters, and it's only fish
25 that are taken under subsistence, and what rule we make
26 is not necessarily going to affect Holy Cross, it's not
27 going to effect Emmonak, it's not going to affect anybody
28 else, because our rule is not going to be a statewide
29 rule. I mean, if all the RACs came up with a nice
30 definition, then, yeah, we could have a statewide rule.
31 It's obvious that's not going to happen, looking at the
32 book. So I think our best bet is to provide something
33 that's going to be representative of the subsistence
34 users that are catching fish on federal waters. And
35 that's the only way our RAC's going to come up with a
36 decent definition.

37

38 CHAIRMAN NICHOLIA: Okay. Before we go
39 any further, do you want to say something, Stan? You've
40 got to state your name for the record.

41

42 MR. ZURAY: Stan Zuray, Tanana. Just
43 real quick here, Trish, last year at our meeting that
44 subject came up, and it was pointed out that the reason
45 that a lot of people at State was really concerned what
46 happens here is because the State has said openly and in
47 the meeting also is that they are watching what you guys
48 do. What you guys come up with is going to be a starting
49 point for what they do, and there's going to be a lot of
50 emphasis on doing kind of having their regulations be

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1 very consistent to us, so that's why we're really
2 concerned about it. Just on this thing 12 here, this
3 would allow -- I don't see any problem with number 12,
4 and I like a lot of the things that you have crossed out.
5 I don't agree with eggs. I don't think any subsistence
6 people in our area want to be able to sell eggs any more.
7 We realize that that's been a problem in the past.
8 That's good.

9

10 The -- there is people in the lower Yukon
11 I know who put their strips in the local stores and stuff
12 like that. This would not affect them. The elimination
13 of the commercial, to commercial entities other than
14 fisheries business, the elimination of the commercial --
15 to commercial entities other than fisheries business
16 thing, elimination of that would not affect that, because
17 putting their strips in the local stores is the rural to
18 rural thing.

19

20 And the addition of that it is used for
21 personal or family consumption of the individuals who
22 purchase the fish, I agree. I mean, there's shouldn't be
23 fish being rural to urban fish, whether it's strips, dry
24 fish, or anything being put in stores in Fairbanks. You
25 know, it's not going to go to people for family
26 consumption. Lower river fish being put in the local
27 store, it's going to go to family consumption of local
28 people. That's different. But that's not this number --
29 adding that onto number 12, to rural residents to urban,
30 it's not going to affect that. I think that's a good
31 rule.

32

33 And then all the stuff here about the
34 \$200 down below, I'd say that's just what was talked
35 about, that wasn't decided.

36

37 On number 13, when you get to number 13,
38 again, this is the exact language that we had the legal
39 opinion from Bill Cogwell, this would -- whether the
40 intent of this is to -- maybe the intent of this is not
41 to eliminate commercial limited entry holders from
42 traditional barter and trade. The way this is legally
43 written, it does make anybody with a limited entry permit
44 holder, which I think it's probably 95 percent of the
45 fish camp, people who run fish camps in our area, there
46 hardly aren't any any more, but 20 years ago 95 percent
47 of them had limited entry permits. That would have --
48 basically that one thing there alone would have
49 eliminated subsistence trade and barter in our area.

50

00033

1 This language has to be changed. This
2 cannot -- I don't know why, we've worked on this, given
3 them lots of examples of how this could be in the past,
4 even five, six years ago. We worked on this on a totally
5 other issue. I don't know why they cannot come up with
6 language that addresses the problem.

7
8 And I would like to see something added
9 to deal with this whole fish problem. I mean, we -- it's
10 another issue. I think that should be separately
11 addressed or added or something, you know. Whole fish
12 should not -- if the enforcement agency people need more
13 tools to address that problem, let's give it to them, you
14 know, because that's what started this whole thing.
15 Thank you.

16
17 MR. UMPHENOUR: Okay. Could I ask Stan a
18 question?

19
20 CHAIRMAN NICHOLIA: Go ahead.

21
22 MR. UMPHENOUR: Okay. Stan, you said the
23 whole fish issue. When you said that, are you talking
24 about say some big time dog musher in Fairbanks decides,
25 well, I'd like to buy 10,000 fall chums, and so he gets
26 someone from some place on the river, say, Rampart or
27 just say 10 miles down river from the bridge, goes up
28 there, throws in a fishwheel, and he catches him his
29 10,000 fall chums and sells it to him. Is that what
30 you're talking about?

31
32 MR. ZURAY: No, I don't -- yeah, sure. I
33 mean....

34
35 MR. UMPHENOUR: I mean, we know that
36 people used to do that. And I can give you the names.

37
38 MR. ZURAY: Yeah.

39
40 MR. UMPHENOUR: One of them got his boat
41 taken away.

42
43 MR. ZURAY: Uh-huh. Yeah.

44
45 MR. UMPHENOUR: His 50 or \$60,000 boat
46 got taken away, and the Troopers drive it up and down the
47 Yukon now.

48
49 MR. ZURAY: Right. Right.

50

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1 MR. UMPHENOUR: But that's the type of
2 thing that, because I'm the person that.....

3
4 MR. ZURAY: Well, I don't think anybody's
5 worrying about that.

6
7 MR. UMPHENOUR:wants to address
8 that somehow so that people can't do that.

9
10 MR. ZURAY: Right. Right. I don't see
11 anybody in our area having a problem with that. As a
12 matter of fact, most of them have told me before this
13 meeting that if those tools are needed, let's give it to
14 them.

15
16 MR. UMPHENOUR: Well, let me make a
17 suggestion. I don't know whether anyone's going to get
18 enforcement over here or not, Mr. Roberts, but why don't
19 we take a break, think about this during the break, we
20 can kind of talk amongst ourselves during the break, and
21 then after we take a break, we can either do one of two
22 things. We can table this until after lunch and take
23 care of some of the easier business, and maybe Stan and
24 maybe some of the staff could help him or whatever, we
25 could try to come up with some language that would
26 address the problem that he just brought up, so that we
27 could maybe make a reasonable recommendation that the
28 people that live in your village, he's from our village,
29 that they could agree on that's addressing the real
30 problem and not trying to harass honest people. And we
31 don't want to hurt anyone's customary trade. That
32 paragraph 12 is between a rural resident and others. It
33 has nothing to do with you do in the village. It's
34 people that want to sell fish in Anchorage or Fairbanks
35 or some place like that. That's what that's addressing,
36 and I think maybe it's easy to get the two confused and
37 think that, well, if we do this, that's going to screw my
38 neighbor down the road, or keep the old lady, whatever
39 her name is, from being able to sell a little bit of
40 strips or something. That has nothing to do with that.
41 That's between the rural residents and people that are
42 not rural residents, but that's what I'd like to do. I
43 don't know what the rest of the Council would like to do,
44 but.....

45
46 CHAIRMAN NICHOLIA: I would like to get
47 this over with, because I've been dealing with it for the
48 last three years. My recommendation for this number 13,
49 no fisheries business, just delete that last part. The
50 person may not sell whole fish, subsistence-caught fish

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1 to a fisheries business. That will just take care of
2 that, what the law enforcement's having. We sat them
3 down in Anchorage a couple years ago and asked them what
4 they really wanted, and they wanted to take care of that.
5 This is just another avenue of micro management. That's
6 how I see it. And we're being micro-managed so bad it's
7 closing down fish camps in my region. Go ahead, Donald.
8

9 MR. MIKE: Yes, Mr. Chair, I was going to
10 suggest like what Virgil was saying, that we take a few
11 minutes break, and we can regroup, and we can accept (ph)
12 as fair, thank you.
13

14 CHAIRMAN NICHOLIA: Yeah, let's take a
15 break, but I'd like to continue this.
16

17 (Off record)
18

19 (On record)
20

21 CHAIRMAN NICHOLIA: Okay. Before I take
22 any questions or recommendations, I'm going to give the
23 suggestions I had that will deal with Virgil's and a
24 couple of other issues that we had here.
25

26 For section (c)(11), it's good to me and
27 I agree with that.
28

29 And my suggestion for number 12, I agree
30 with everything down to -- I agree for strike out the
31 eggs, I agree to strike out commercial entities, and to
32 keep to individuals other than rural residents as long,
33 we have to keep that customary trade does not constitute
34 a commercial enterprise. We've got to keep that in
35 there, because I believe that's what the law enforcement
36 want. And right after that we put in and it is used for
37 personal or family consumption for the individual person
38 for fish. Okay. That's my suggestion on 12.
39

40 My other suggestion on number 13, no
41 purchases by fisheries business if you are required to be
42 licensed as a fishery vendor. It's the State statute
43 right there. You may not purchase or receive or hold for
44 commercial purpose or barter, to solicit, to barter for
45 subsistence taken, take that fish out of there, and put
46 whole fish, because that will take care of that, where
47 this all started from. And I don't see whole fish in
48 this whole thing. And another thing that I want, I agree
49 to, any person with an Alaska State business license who
50 runs commercial dog teams, what I'm going to include in

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1 there, other than from a rural village, is not allowed to
2 buy, feed subsistence-caught fish to dogs. And I agree
3 also it applies to non-fish. But if you cap it like
4 this, any person with Alaska State permit who runs
5 commercial dog teams is not allowed to buy or feed --
6 they don't buy, but they feed their dogs subsistence-
7 caught fish to their dogs. But if we have it just the
8 way it is written right there, we're going to restrict a
9 lot of people who are just barely making ends meet, and
10 who are feeding their grandchildren. Any person with
11 Alaska State business license who run commercial dog
12 teams, other than a rural village, is not allowed to buy
13 and feed subsistence caught fish to dogs.

14

15 Okay. Mr. State Trooper, where are you?

16

17 UNIDENTIFIED VOICE: Federal.

18

19 CHAIRMAN NICHOLIA: Federal law
20 enforcement.

21

22 MR. ROBERTS: Right here.

23

24 CHAIRMAN NICHOLIA: Yeah. Okay. You
25 heard what I said?

26

27 MR. ROBERTS: About feeding dog teams?

28

29 CHAIRMAN NICHOLIA: Yeah.

30

31 MR. ROBERTS: Right.

32

33 CHAIRMAN NICHOLIA: And then you heard
34 what i said about the section 12, right?

35

36 MR. ROBERTS: Do you have one of those,
37 one of your forms with you, or.....

38

39 CHAIRMAN NICHOLIA: Okay. This is my
40 suggestion here, these counts right here. I was on the
41 task force work group. This is what they wanted in there
42 down in Anchorage when we were meeting a couple times.
43 That customary trade does not constituted a commercial
44 enterprise. I agree that we strike this out right here,
45 like the Council wanted to, and, include and in there, is
46 used for personal and family of the individual who
47 purchased fish. But I believe that law enforcements want
48 this in there. This is does not constitute significant
49 commercial enterprise.

50

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1 The other one there is where all this
2 originated.....

3
4 MR. ROBERTS: You're saying that you
5 think law enforcement wants to keep the significant
6 commercial enterprise clause?

7
8 CHAIRMAN NICHOLIA: It does, yeah.

9
10 MR. ROBERTS: Okay. What was your next
11 one?

12
13 CHAIRMAN NICHOLIA: And where this all
14 originated from is that where subsistence-taken fish, but
15 it should be included whole fish. And another suggestion
16 I had that this is right here, any person with Alaska
17 State business license who runs commercial dog teams,
18 other than a rural village, is not allowed to buy and
19 feed -- they don't buy it, but other than -- are not
20 allowed to buy. That will be like some people,
21 commercial dog teams in urban areas and non-subsistence
22 areas, restrict them from using subsistence-caught fish
23 to their dogs.

24
25 MR. ROBERTS: Okay. So your question is
26 should this remain in there?

27
28 CHAIRMAN NICHOLIA: Uh-huh.
29 (Affirmative)

30
31 MR. ROBERTS: Okay. Let's take them one
32 at a time.

33
34 CHAIRMAN NICHOLIA: Okay.

35
36 MR. ROBERTS: For the record, I'm Charles
37 Roberts with Fish and Wildlife Law Enforcement out of
38 Fairbanks.

39
40 I don't know where the idea came that we
41 want to keep the significant commercial enterprise in
42 there. I don't know who said that or what. I haven't
43 been following this too much. What I can testify to is
44 that right now this is ineffective. I mean, this whole
45 clause in the subsistence fishing regulations is
46 unenforceable. We can't do anything with it. There's no
47 way to prove that anybody is violating the law, because
48 you can't violate the law. I mean, because with no
49 definition of a significant commercial enterprise,
50 there's no way we can say that this person has violated

00038

1 any laws.

2

3 CHAIRMAN NICHOLIA: But from being on
4 that task force, this customary task force, they're going
5 to have the regional solicitor from the OSM and the State
6 lawyers and define that, and this is going to be another
7 worm that's going to be included in this customary task
8 force thing.

9

10 MR. ROBERTS: What was your name?

11

12 CHAIRMAN NICHOLIA: The chairman, Gerald
13 Nicholia.

14

15 MR. ROBERTS: Chairman? Okay. Yeah,
16 Gerald, I've met you in town before, yeah.

17

18 MR. RIVARD: Can we do a point of order
19 here? Gerald, I think you need to probably be back up
20 there so we get this on record that it's a back and forth
21 discussion, and not just between the two of you.

22

23 CHAIRMAN NICHOLIA: Right.

24

25 MR. ROBERTS: Would the Board like me to
26 give an example of why this is not unenforceable (sic)?
27 I mean that's the best thing that I can do for you.

28

29 CHAIRMAN NICHOLIA: Uh-huh.
30 (Affirmative)

31

32 MR. ROBERTS: I can explain to you, this
33 is kind of short notice here, but I know people or
34 individual or individuals in this State who sold four to
35 6,000 pounds of subsistence-caught fish to commercial
36 markets this year, and I can't touch them. I can't do
37 anything to them, because of this significant commercial
38 enterprise clause. I know this happened, I've got the
39 proof that it happened, but because of this law, I can't
40 do anything to them. I mean, it was not sold to, you
41 know, people like myself or individuals or dog teams or
42 anything. It was sold to commercial markets, people
43 profiting from the sale of this subsistence-caught fish.
44 And my personal opinion is that that's a resource
45 problem. That's not good for the fish to do that. It's
46 not good for the public to do that, because there's no
47 processing requirements or record-keeping requirement or
48 anything like that. And it's releasing unregulated fish
49 into the markets, and, you know, there's a potential
50 there for some illness and disease and whatever else,

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1 too. I mean, not just to mention the fact that it's a
2 resource problem.

3

4 Did you have a question, Sue?

5

6 MS. ENTSMINGER: Yeah. Explain why?

7

8 MR. ROBERTS: Why it's a resource
9 problem?

10

11 MS. ENTSMINGER: No, explain why that
12 significant definition, you have no definition. Explain
13 why it's not enforceable?

14

15 MR. ROBERTS: Because there's no monetary
16 amount on it. I mean, there's nothing to say that a
17 significant commercial enterprise is someone selling 200
18 pounds of fish or 10,000 pounds of fish. I mean, they
19 have that herring case, and I don't remember all the
20 details of it, the herring roe case in Southeast. What
21 was it, \$197,000 or \$297,000 worth of herring roe was
22 sold in Southeast Alaska, and it was deemed by a court
23 not to be a significant commercial enterprise.

24

25 So you have a problem there that you and
26 I think that selling 4,000 pounds of fish would be
27 considered a significant commercial enterprise, but a
28 court may not. And I have to go to a prosecuting
29 attorney, and I have to tell him that this guy sold this
30 much fish, and he says, well, where does it say in the
31 law? What is a significant commercial enterprise, and
32 he's got, you know, this many cases stacked up on his
33 desk, and he's saying, you know, I've got this many that
34 I can take care of that I can do something about, and
35 this one that I'm going to be in a court fight for years
36 over. And he's not going to take. So essentially it's
37 permitted for this person to do this kind of thing. So
38 from an enforcement standpoint, it's unenforceable. It's
39 not even worth presenting as an investigation to a
40 prosecuting attorney, because they're not going to take
41 it without an adequate definition.

42

43 CHAIRMAN NICHOLIA: Tricia?

44

45 MS. WAGGONER: Two questions. When you
46 say they're selling to a commercial market, what do you
47 mean? I mean, when you say they're selling to a
48 commercial market first.

49

50 MR. ROBERTS: Restaurants. Mainly

00040

1 restaurants. I can't go into too many details here.

2

3 MS. WAGGONER: Okay.

4

5 MR. ROBERTS: I don't want to give names
6 or places that this happened.....

7

8 MS. WAGGONER: Right. Yeah. No, I'm
9 just.....

10

11 MR. ROBERTS:because this is still
12 an open investigation, but, you know, it's probably not
13 going to go anywhere.

14

15 MS. WAGGONER: Okay. The second question
16 on that then is the fish that you're seeing, you know, in
17 your eyes as an abuse of the law. Okay. Is that strips,
18 is that processed fish, is that headed and gutted, is
19 that fileted? What form is that fish being sold in that
20 you think is being abused the most?

21

22 MR. ROBERTS: I can tell you what it is
23 in this case. I mean, it's headed and gutted.

24

25 MS. WAGGONER: Headed and gutted.

26

27 MR. ROBERTS: I'm don't know if there's
28 any more. You know, I mean, I don't want to.....

29

30 MS. WAGGONER: Right. Do you guys see
31 any that you know of in general, you know, over the
32 years, have you seen any cases of abusing this through
33 fish strips or half dried?

34

35 MR. ROBERTS: We have information that it
36 does get abused.

37

38 MS. WAGGONER: Yeah.

39

40 MR. ROBERTS: I mean, I'm not going to
41 say that absolutely we could prove that it's an abuse.
42 I've being a law enforcement officer, I don't want to
43 define what a resource abuse is.

44

45 MS. WAGGONER: Right.

46

47 MR. ROBERTS: I can't do that. It's
48 either against the law or it's not against the law. But,
49 I mean, we do have information from over the years that
50 there are people selling a significant amount of strips

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1 into the, you know, tourist market or commercial markets
2 or whatever. But we probably haven't pursued them yet.
3 I mean, it's only been the second or third year that
4 we've actually as Federal law enforcement looked into
5 this fisheries violations, and so we haven't really
6 pursued those too much yet.

7

8 CHAIRMAN NICHOLIA: So your advice to us
9 is that even if we do recommend having it constitute a
10 significant commercial enterprise, it ain't even going to
11 help you guys there?

12

13 MR. ROBERTS: Without a definition of it,
14 no.

15

16 CHAIRMAN NICHOLIA: Okay.

17

18 MR. ROBERTS: Without a more, you know,
19 specific definition of it. I mean, I saw one in here
20 that's talked about strike customary trade does not
21 constitute a significant commercial enterprise, and it
22 said as long as it's used for personal or family
23 consumption of the individual who purchased the fish. I
24 think you're on the right track there. And once again I
25 must express this, this is my opinion. I haven't cleared
26 this testimony through my boss or anything like that, so
27 I can't, you know, say for sure exactly what the Service
28 itself is thinking, but from my experience as a law
29 enforcement officer, you're on the right track there. I
30 mean, that's something that if a person that sells 4,000
31 pounds of fish into the commercial market or to
32 restaurants, that's obviously not for individual or
33 family consumption. And that's something we might be
34 able to do something about.

35

36 CHAIRMAN NICHOLIA: Okay. So if we had
37 that, that it is used for personal use, if we add that,
38 those two together, it will be of little help to you,
39 would it?

40

41 MR. ROBERTS: Yeah, I mean, without
42 really sitting down and researching the whole regulation,
43 I couldn't say it's going to be an absolute that we can
44 enforce that, because I've got to look at all the other
45 parts of it, but right off the top of my head, looking at
46 clause number 12, that's a start. That's an improvement
47 over significant commercial enterprise, in my opinion.

48

49 CHAIRMAN NICHOLIA: As long as we have
50 that little two (ph) at the end of the.....

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1 MR. ROBERTS: I couldn't hear you.

2

3 CHAIRMAN NICHOLIA: As long as it is used
4 for personal or family consumption of the individual who
5 purchased the fish, that will go good with along that
6 doesn't constitute a commercial enterprise?

7

8 MR. ROBERTS: I think that's a good
9 start, yes, sir.

10

11 CHAIRMAN NICHOLIA: So do we agree, like
12 just like unanimously agree without voting on it, so we
13 could move on to 13? Okay, Virg.

14

15 MR. UMPHENOUR: I just want clarification
16 is all. I'm going to just read it. Okay. Transaction
17 between a rural resident and others, this is number 12,
18 customary trade for fish, their parts, except eggs, and
19 then we strike, or we struck, or their eggs, legally
20 taken under the regulations in this part from a rural
21 resident, and then we struck to commercial entities other
22 than fisheries businesses, or from a rural resident, we
23 struck all that. So then it would read, to individuals
24 other than rural residents is permitted. And then we
25 said, as long as, and then we struck out the customary
26 trade does not constitute a significant commercial
27 enterprise, and we added, and it's all part of the same
28 sentence, so I'll just read the whole sentence, as long
29 as it is used for personal or family consumption of the
30 individual who purchases the fish.

31

32 When we came up with this, I can't
33 remember his name, but one of the people that works for
34 Mr. Roberts was at the meeting in Circle Hot Springs, and
35 we worked in the evening, part of us worked in the
36 evening, and he worked with us, and this is the language
37 that we came up with that we thought was the best we
38 could do with the what we had to work with. And so
39 that's why we did what we did. We were all there. Both
40 of you were in there that night.

41

42 UNIDENTIFIED VOICE: Uh-huh.

43 (Affirmative)

44

45 MR. UMPHENOUR: We all three were there.
46 You were there, too, weren't you? All four of us were
47 there, and we worked with a number of the staff,
48 including the individual that works with Mr. Roberts from
49 his office, and that's what we came up with, and that I
50 feel addressed the problem you were talking about about

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1 the individual that sold five or 6,000 pounds of fish to
2 these restaurants. This would take care of that so that
3 he could possibly be prosecuted, because him and his
4 family are not going to eat all four to 6,000 pounds or
5 whatever it was of fish. And this would still allow for
6 customary trade to people that are going to use the fish
7 for their family to eat, which is what customary trade
8 it. Otherwise it's just a commercial operation when
9 someone's doing something like that, which is, to me what
10 it's doing is that someone is using subsistence to
11 commercial fish. Heading and gutting the fish, and
12 selling the fish to restaurants and calling it
13 subsistence. That's not subsistence.

14

15 But anyway, so my question is this: what
16 I just went through, and what's printed in the book here
17 I think in my opinion, and I don't know about the other
18 three Council members here, we all spent, I don't know,
19 until 10:00 o'clock at night or something working on
20 this, three hours or more, and this is what we came up
21 with. So my question is, do you think that this is an
22 improvement with what we have to work with, and that that
23 will make it more enforceable and address the real
24 problem of people that are abusing subsistence and
25 actually engaging in commercial fishing and calling it
26 subsistence, while the people that actually are limited
27 entry commercial fishermen are totally shut down, but
28 these guys just keep one when we're having trouble
29 getting escapement on the spawning grounds?

30

31 MR. ROBERTS: In the case I referred
32 to.....

33

34 CHAIRMAN NICHOLIA: Virg, I think you
35 have to restate question to him. This is we either
36 include in clause 12, trade does not constitute a
37 significant commercial enterprise or we exclude it.
38 That's the question you have to bring to him.

39

40 MR. UMPHENOUR: Okay. I think we should
41 exclude it like we did. Do you think that's better, or
42 to leave the part that says the customary trade does not
43 constitute a significant commercial enterprise? I think
44 it's better to just take it totally out of that, then you
45 don't have to worry what is a significant commercial
46 enterprise, because there's no definition of it. Do you
47 think the Federal.....

48

49 MR. ROBERTS: In my experience of dealing
50 with this issue, that significant commercial enterprise,

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1 unless it is further defined, it's not, it shouldn't be
2 in there.

3

4 MR. UMPHENOUR: Okay.

5

6 MR. ROBERTS: I mean, this more
7 adequately addresses -- I mean, in the situation I
8 referred to earlier with this person or persons who sold
9 four to 6,000 pounds of subsistence-caught salmon, we
10 could prosecute him on this.

11

12 MR. UMPHENOUR: Okay.

13

14 CHAIRMAN NICHOLIA: Are you okay with it?

15

16 MS. WAGGONER: Yeah. Actually I just
17 want to get Stan's reaction, too. I mean, does this
18 cover the concerns that you had of still allowing.....

19

20 MR. ZURAY: Stan Zuray, Tanana. Not only
21 does it takes care of that problem, but it actually does
22 what was being attempted to be done by 13. But if you
23 wanted to, you could keep 13 in there with the changes we
24 talked about. It would be maybe what you call redundant
25 or it would be just further clarification.

26

27 CHAIRMAN NICHOLIA: No, we're just
28 dealing with 12, Stan.

29

30 MS. WAGGONER: Yeah.

31

32 MR. ZURAY: Okay. But anyway, yeah, it
33 does, and it actually.....

34

35 CHAIRMAN NICHOLIA: Okay.

36

37 MS. WAGGONER: Yes.

38

39 CHAIRMAN NICHOLIA: Okay. I agree with
40 that then. I agree with it. Do we all agree with number
41 12? Do we agree with number 11? Okay. Let's move to
42 13. We're not voting on it or nothing yet. We're just
43 going through it like we're hashing it out.

44

45 MR. RIVARD: Okay. All right. That's
46 good clarification, but just for the record I would say
47 just read what you've just agree upon, unless you want to
48 wait until your motions, but right now it's not real
49 clear I think on the record what you've just.....

50

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1 CHAIRMAN NICHOLIA: It doesn't have to be
2 clear for on the record. It just has to be clear to my
3 Council.

4
5 MS. WAGGONER: Nothing's changed.
6

7 MR. RIVARD: Well, but your record needs
8 to show what you're agreeing to as well, and from sitting
9 in the audience, I don't know what you agreed to, so to
10 clarify that.

11
12 MS. WAGGONER: Nothing's changed,
13 correct?

14
15 UNIDENTIFIED VOICE: No.
16

17 CHAIRMAN NICHOLIA: No, nothing's
18 changed. We're just hashing it out. Okay. Let's move
19 to 13. I agree with everything, even including a
20 commercial developing, but what I want to include in
21 there is that part where you may not purchase or receive
22 for commercial purpose or barter or solicit to barter for
23 subsistence-taken, I want to include before fish, whole
24 fish, because that will address their problem as far as
25 that, and I agree with that all the way down to any
26 person with Alaska State business license who runs
27 commercial dog teams, other than a rural village person,
28 is not allowed to buy and feed subsistence-caught fish to
29 dogs. I want to include that other than rural village.

30
31 MR. UMPHENOUR: I'd like to ask a
32 question. Would it be more appropriate to say other than
33 a federally qualified subsistence user? I don't know who
34 the technical person is that should answer that question.

35
36 CHAIRMAN NICHOLIA: I think that would be
37 more towards what Office of Subsistence Management wants.
38 Federal.

39
40 MS. WAGGONER: I think as long as we make
41 sure that our intent of what we want gets across, we
42 don't need to worry about the exact wording, because that
43 will be with the lawyers and law enforcement, but if what
44 we're basically trying to do is -- I mean, my kennel has
45 a business license, because we sell dogs, et cetera, et
46 cetera, but I live in a rural community. And my only
47 issue with this was that this says fish, you know. I do
48 have the issues with salmon, but this also by saying fish
49 includes white fish, you know, et cetera. So not that I
50 buy and feed subsistence fish. So I want to be able to

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1 protect that, but I just want to make sure that that's
2 the intent that we get across, you know, and then let the
3 legal guys deal with the working.

4

5 MR. UMPHENOUR: We have to make extremely
6 clear our intent, because my experience as a Board of
7 Fish member for the State for eight years, there's been
8 many times that the Board has passed something, and they
9 thought that that was going into regulation, and then
10 they find out a year or two later that it got changed by
11 the people that write the regulations, and the intent of
12 what the Board wrote, or their intent and deliberations
13 is not what really happened. It may have been exactly
14 the opposite. And that has happened. And so we have to
15 make damn sure that our intent is very, very clear,
16 because that could happen to us.

17

18 CHAIRMAN NICHOLIA: I understand. I
19 understand. Okay. Other than a federal qualified
20 subsistence user. I agree with that.

21

22 MS. WAGGONER: I like that one.

23

24 CHAIRMAN NICHOLIA: And we agree.

25

26 MS. WAGGONER: Yeah. Yep.

27

28 CHAIRMAN NICHOLIA: Okay. And do you
29 agree that instead of subsistence-taken fish we include
30 whole fish in there? Do you agree with that?

31

32 MR. UMPHENOUR: (Nods in the affirmative)

33

34 CHAIRMAN NICHOLIA: Okay. We took care
35 of 11, 12 and 13. Do you agree with that?

36

37 MR. UMPHENOUR: I agree with that, but
38 I'd like to ask Stan a question, because he got legal
39 counsel from Mr. Caldwell from Alaska Legal Services on
40 his opinion on this, and see if, does that clear up what
41 Caldwell pointed out?

42

43 MR. ZURAY: The dog stuff that you were
44 just.....

45

46 MR. UMPHENOUR: Yeah.

47

48 MR. ZURAY: The addition of this dog
49 stuff is something that was all added after. I would
50 recommend that you just forget about all that. You're

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1 doing something and then you're negating it by the
2 addition of federally-qualified subsistence uses. The
3 whole dog thing is just confusing everything. Actually,
4 by the addition of what you added, the federally-
5 qualified user, you're negating the whole thing anyway.
6

7 Really what needs to be done on this one,
8 and talking to Corky outside, in the very beginning where
9 it says no purchases by fisheries business, you need to
10 say no sale to and/or purchases by fisheries businesses.
11 That needs to be the title, and then you just leave the
12 original wording in there, and then in parenthesis, add
13 those parenthesis where it says does not include limited
14 entry permit holders, or people with helpers permits.
15 And make that part of that sentence. And then you can
16 leave that whole part in. If you are required to be
17 licensed as a fisheries business, blah-blah-blah.
18

19 There's a part in here where there's
20 these words, or solicit to barter for. those are the
21 words that apply to a fisherman that would -- those are
22 the words that -- those are the key words there when I
23 was working with Bill Caldwell on this, that make this
24 applicable to (a) just a person trying to sell a pound of
25 strips, 10 pounds of strips or whatever. Those are the
26 words there.
27

28 And the idea of adding whole fish or
29 anything like that, nobody's asking to be able to sell
30 strips to Safeway either, so you don't have to specify
31 whole fish. I mean, let's just -- we shouldn't be
32 allowed to sell strips to Safeway. I shouldn't be
33 allowed to sell strips to a bar in Fairbanks. Nobody's
34 asking for that. Why give it to us, you know. Just all
35 fish, dry fish, strips.....
36

37 CHAIRMAN NICHOLIA: But why I wanted to
38 include the whole fish is that's where this has all
39 started from.
40

41 MR. ZURAY: Well, this would include
42 that. You know, if you just don't -- it is included.
43 Whole fish are included in this.
44

45 CHAIRMAN NICHOLIA: Fish, but you've got
46 to plainly state it like Virgil said, or they'll
47 misunderstand it.
48

49 MR. ZURAY: Well, subsistence-taken fish,
50 their parts or their eggs, includes all fish. That's

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1 whole fish, gutted fish, strips, dry fish, half dry.
2 That's everything. That includes it all. You could add
3 whole fish, but it might just confuse the whole thing.

4

5 CHAIRMAN NICHOLIA: No, no, no. I think
6 it just defines it all right there.

7

8 MR. ZURAY: Okay. You could add
9 subsistence-taken fish, including whole fish, if you want
10 to really, you know, zoom in on that one. But the whole
11 dog team food thing, you're not doing anything, you know,
12 I mean, even if somebody was against dog teams or
13 something, you're not doing anything there.

14

15 CHAIRMAN NICHOLIA: So you think
16 including the dog team part of it will just open up a
17 whole new can of worms?

18

19 MR. ZURAY: Well, it just confuses
20 everything. And in the first place, if you.....

21

22 CHAIRMAN NICHOLIA: And this is it will
23 confuse everything, and do you think it's just another
24 form of micro-management?

25

26 MR. ZURAY: Yeah. Well, and also this
27 was never part of original.....

28

29 CHAIRMAN NICHOLIA: Intent?

30

31 MR. ZURAY: What do they call it,
32 proposal or whatever. Yeah, it was never part of the
33 original customary trade proposal, you know. It's
34 something that was added by this RAC.

35

36 CHAIRMAN NICHOLIA: Do you agree with
37 that, Virgil?

38

39 MR. UMPHENOUR: Okay. I need to ask a
40 question. In 12, and I need to ask this of Mr. Roberts.
41 The way we've just done 12, say some guy in Fairbanks is
42 going to run the Iditarod or something. He keeps a whole
43 gob of dogs, 100 dogs or whatever, and he's a
44 professional dog musher, that's what he does. And so
45 would this prohibit him for contracting with someone
46 that's a federally qualified subsistence user that lives
47 on the Yukon River from going out and catching 10,000
48 fall chums and selling them to this guy, would that
49 prohibit that? Because he's not going to eat them. It
50 says that it is used for personal or family consumption

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1 of the individual who purchased the fish. Would that
2 prohibit that?

3

4 MR. ROBERTS: It would make for an
5 interesting court argument.

6

7 MR. UMPHENOUR: Because that's what I
8 would like to.....

9

10 MR. ROBERTS: Are 100 dogs part of my
11 family?

12

13 MR. UMPHENOUR: Right.

14

15 MS. WAGGONER: Yeah.

16

17 MR. ROBERTS: I mean, in all seriousness,
18 this would come out. I mean, it would come out that
19 these dogs are part of my family. I mean, as absurd as
20 it may sound, I mean, I can promise you that it will come
21 out in the courtroom if the issue is ever brought up.

22

23 UNIDENTIFIED VOICE: Whether it's
24 commercial.

25

26 MR. UMPHENOUR: Okay. Because I think
27 that's the thing that Gerald and I don't want to be able
28 to happen, right, Gerald? Or I don't want it to happen,
29 I don't know how you feel about it. And so that's what
30 we were trying to address in 13, Stan, is so that that
31 can't happen. And we know that there are people that do
32 that. Or that have done it in the past. They do it from
33 the bridge on the Yukon that have done that in the past.

34

35 MR. ZURAY: Somewhere it needs to be put
36 in, maybe on 12, used for -- somebody needs to word it
37 differently, but I'm going to say, but needs to eating
38 food, you know.

39

40 MR. UMPHENOUR: Maybe we could add, let
41 me ask this, just throw this out, it is used for personal
42 or family human consumption. Put human in there.

43

44 CHAIRMAN NICHOLIA: I agree with that.

45

46 MR. ZURAY: Beautiful.

47

48 MR. UMPHENOUR: Okay.

49

50 CHAIRMAN NICHOLIA: This explicitly puts

00050

1 it all out.

2

3 MR. ZURAY: What a guy.

4

5 CHAIRMAN NICHOLIA: And then we could
6 exclude that dog part.

7

8 UNIDENTIFIED VOICE: Two legged in there.

9

10 CHAIRMAN NICHOLIA: Do we agree with
11 that? No, no, come on, you guys. Come on. Do we agree
12 if we put that, or for family human consumption?

13

14 MS. WAGGONER: Yes.

15

16 CHAIRMAN NICHOLIA: And then we could
17 just exclude that dog part at the end. Would that be our
18 recommendation?

19

20 MR. UMPHENOUR: I think that would be our
21 recommendation.

22

23 CHAIRMAN NICHOLIA: Okay. Are we ready
24 to vote on it?

25

26 MS. WAGGONER: No.

27

28 CHAIRMAN NICHOLIA: Why? Explain to me.

29

30 MS. WAGGONER: The language for not
31 getting the limited entry permit holder in trouble under
32 13.

33

34 MR. ZURAY: You need that language?

35

36 MS. WAGGONER: Yeah.

37

38 MR. ZURAY: Parenthesis, does not
39 include.....

40

41 MS. WAGGONER: Hang on, I write slow.

42

43 MR. ZURAY:limited entry permit
44 holders or people with helper's permits. Maybe there's a
45 little better way to state that, but that's what needs to
46 be in there.

47

48 CHAIRMAN NICHOLIA: Do we want to include
49 that?

50

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1 MS. WAGGONER: Well, I think.....

2

3 MS. ENTSMINGER: Is it necessary?

4

5 MS. WAGGONER: I think that Stan has
6 brought up a really good point on 13 in that it would
7 preclude him as a limited entry permit holder from
8 purchasing -- as a limited entry permit holder, you
9 couldn't purchase strips.

10

11 MR. ZURAY: Not only that, I could not
12 solicit to barter for. Those are the key words.

13

14 MS. WAGGONER: Okay. Because then that
15 would knock you out of paragraph 11.

16

17 MR. ZURAY: I couldn't sell 10 pounds of
18 strips.

19

20 MR. UMPHENOUR: Okay. Well, let me ask a
21 question though. I think that being as we've rewritten
22 the way we've written it, we've written it so that
23 transaction between a rural resident and others, that you
24 can only sell fish to people to people, to individuals
25 that's going to be used for personal or family human
26 consumption, I don't think we even need 13, period.

27

28 MS. WAGGONER: That's a good point.

29

30 CHAIRMAN NICHOLIA: What do you think?

31

32 MR. UMPHENOUR: I think we just throw 13
33 completely out, because in 12 we said you can't sell any
34 fish that's going to be resold. It has to be used for
35 personal consumption of the people that buy it, for them
36 and their family.

37

38 MR. ROBERTS: Not being a lawyer, but, I
39 mean, looking at it right here, it makes sense. If it
40 can only be sold for personal or family human
41 consumption, then the fisheries business can't buy it
42 anyway.

43

44 MS. WAGGONER: Right. So we could just
45 actually delete 13.

46

47 CHAIRMAN NICHOLIA: Yeah. Okay.

48

49 MR. UMPHENOUR: Right. Just totally do
50 away with 13, because we covered it in 12.

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1 CHAIRMAN NICHOLIA: Okay. For the
2 record, delete it straight out. We all agree with 11,
3 the way it's written, except deletion of their eggs,
4 right?

5
6 MR. UMPHENOUR: Or their eggs.

7
8 CHAIRMAN NICHOLIA: Yeah, or their eggs.
9 Okay. Number 12 we excluded or their eggs, and we
10 excluded to commercial entities other than a fishery
11 business, we excluded that. And we excluded does not
12 constitute a, but we included for family human
13 consumption. Do we agree with that?

14
15 MS. WAGGONER: Uh-huh. (Affirmative)

16
17 CHAIRMAN NICHOLIA: And then we just want
18 to delete 13. Okay. I can't move, second or question.

19
20 MS. ENTSMINGER: I had a question though.
21 On 11, the egg exception does not apply to whole fish, is
22 that included in this language?

23
24 MS. WAGGONER: Uh-huh.

25
26 MS. ENTSMINGER: Because I don't think
27 that was anything we.....

28
29 MS. WAGGONER: Yeah, we did discuss it.

30
31 MS. ENTSMINGER: We want it in there.

32
33 MS. WAGGONER: Yeah. Okay.

34
35 CHAIRMAN NICHOLIA: We agree with that.

36
37 MS. ENTSMINGER: Yeah.

38
39 MR. UMPHENOUR: Right.

40
41 CHAIRMAN NICHOLIA: Okay.

42
43 MS. WAGGONER: And that's only applicable
44 to paragraph 11.

45
46 CHAIRMAN NICHOLIA: Okay. Second, move,
47 question?

48
49 MS. WAGGONER: I move to support
50 paragraph 11 as written in the briefing document, to

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1 support paragraph 12 as written with the addition the
2 word human between family and consumption, and to delete
3 paragraph 13 in its entirety.

4

5 MR. UMPHENOUR: Second.

6

7 MR. WILDE: Question.

8

9 CHAIRMAN NICHOLIA: Before we vote on it,
10 what do you want, Donald?

11

12 MR. MIKE: Mr. Chair, I was going to
13 suggest that you read the whole section 11 and 12 for the
14 record with the additions and deletions just for the
15 record. Thank you.

16

17 CHAIRMAN NICHOLIA: Okay. Right here.
18 Just read the whole thing.

19

20 MS. WAGGONER: Okay. Paragraph 11,
21 transactions between rural residents. The exchange
22 between rural residents in customary trade of
23 subsistence-harvested fish, their parts, except eggs,
24 legally taken under the regulation in this part,
25 unprocessed or processed, using customary and traditional
26 methods is permits. The egg exception does not apply to
27 whole fish.

28

29 Paragraph 12. Transactions between rural
30 residents and others. Customary trade for fish, their
31 parts, except eggs, legally taken under the regulations
32 in this part from a rural resident to individuals other
33 than rural residents is permitted as long as it is used
34 for personal or family human consumption of the
35 individual who purchases the fish.

36

37 CHAIRMAN NICHOLIA: And the deletion of
38 13.

39

40 MS. WAGGONER: And the deletion of
41 paragraph 13 in its entirety.

42

43 CHAIRMAN NICHOLIA: It's been moved,
44 seconded, the question's been called. Don't need a roll
45 call. All those in favor of our recommendation to the
46 Federal Subsistence Board on customary trade signify by
47 saying aye.

48

49 IN UNISON: Aye.

50

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1 CHAIRMAN NICHOLIA: All those opposed,
2 same sign.

3
4 (No opposing votes.)

5
6 CHAIRMAN NICHOLIA: Okay. Let's move on
7 now. Thank you.

8
9 MR. UMPHENOUR: Thank you, Corky.

10
11 MS. ENTSMINGER: That only applies to our
12 region.

13
14 CHAIRMAN NICHOLIA: Yeah, that's our
15 Eastern Interior recommendation.

16
17 MS. ENTSMINGER: Yeah.

18
19 CHAIRMAN NICHOLIA: What's next, Donald?

20
21 MR. MIKE: Mr. Chairman, the next item on
22 the agenda is the call for wildlife proposals, and I
23 think we have Mr. Pete DeMatteo will be presenting.

24
25 MR. KRON: I could start until he gets
26 here. Mr. Chair, my name is Tom Kron. I think Pete
27 DeMatteo will be here shortly, but his handout was
28 prepared by Mr. DeMatteo. And basically what it is is a
29 summary of existing State regulations and existing
30 Federal regulations. And there a number of examples that
31 basically the columns that are on the left, where the
32 State regulations are more liberal than the current
33 Federal regulations. And, you know, it's up to the
34 Council to decide how you want to handle this, but in
35 terms of potential wildlife proposals, you might want to
36 think about the possibility of a proposal basically to
37 align the regulations, you know, so we don't have a
38 situation where federal regulations are more restrictive
39 than State regulations in the same area.

40
41 CHAIRMAN NICHOLIA: Okay. Let me ask you
42 this, there two coyote proposals, two moose proposal,
43 coyote proposal, brown bear proposal. All these, one,
44 two, three, four, five proposals, are just to align
45 Federal regulations with State regulations, is that
46 right?

47
48 MR. KRON: Yes. Again, the issue is that
49 the Federal regulations are currently more restrictive.
50 Federal regulations are currently more restrictive than

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1 are the State regulations.

2

3 CHAIRMAN NICHOLIA: And this is to be
4 done just for the regulations and dual management be less
5 confusing to the user groups?

6

7 MR. KRON: Yeah. You know, if
8 regulations are aligned, it's less confusing. You know,
9 there's merit to that. The other problem is that
10 currently federal regulations in these cases are more
11 restrictive than are State regs. Pete's here to do the
12 talking.

13

14 CHAIRMAN NICHOLIA: Okay.

15

16 MR. DeMATTEO: Mr. Chairman.

17

18 CHAIRMAN NICHOLIA: Wait. Wait. Let me
19 ask this. These are all just to align, the first five
20 are just to align, and there's no big issues on resource
21 deals or big issues between user groups on this, right?

22

23 MR. KRON: That is correct. This is an
24 alignment. Currently the Board of Game action rendered
25 the Federal regulations more restrictive, so it's
26 strictly an alignment. It's not based on user group
27 conflicts, it's not based on strong conservation
28 concerns, either. The first five.

29

30 CHAIRMAN NICHOLIA: Okay. Do we have any
31 disagreements with that? Virg?

32

33 MR. UMPHENOUR: No, I don't have any
34 disagreements. I know why they did the ones on the
35 coyotes though, but.....

36

37 CHAIRMAN NICHOLIA: Okay. Go ahead, Tom.

38

39 MR. KRON: Yeah, Mr. Chair, I guess the
40 question is, would the Council like to see these
41 submitted as a proposal? They'd have to go through the
42 proposal process, and then they'll ultimately come back
43 to you next spring, but do you want to submit them as a
44 proposal to align for your area?

45

46 CHAIRMAN NICHOLIA: Yes.

47

48 MR. DeMATTEO: Okay. Mr. Chairman, if
49 that's the case, then for the record I have to read each
50 one.

00056

1 CHAIRMAN NICHOLIA: Okay.

2

3 MR. DeMATTEO: If that's all right now?

4

5 CHAIRMAN NICHOLIA: Go ahead.

6

7 MR. DeMATTEO: Okay. The first one would
8 be for coyote, Unit 12, it would align the Federal season
9 -- or, correction, it would align the harvest limit with
10 the State harvest limit. Currently the Federal harvest
11 limit is 10 coyotes, but only two can be taken before
12 October 1st. So it would be less restrictive if the
13 Board was to adopt this.

14

15 The second one is coyote, Unit 20. The
16 current Federal limit is two. The State limit is 10.

17

18 The third one is moose for Unit 20(F).
19 There's no December Federal season. The new State season
20 is December 1 through 10.

21

22 Coyote, Unit 25, current Federal harvest
23 limit is two, the new State harvest limit is 10.

24

25 Brown bear, Unit 25(A) and (B). The new
26 state season is September 1 through June 15. The Federal
27 season is only September 1st through May 31st.

28

29 Adoption of say five proposals reflecting
30 this change would make the Federal regs more liberal, and
31 also would line up with the State.

32

33 MS. WAGGONER: Do we need a motion?

34

35 MR. DeMATTEO: Yes.

36

37 MS. WAGGONER: I move that the Eastern
38 Interior Regional Advisory Council have OSM staff move
39 forward with developing proposals for those five.

40

41 MS. ENTSMINGER: Second.

42

43 CHAIRMAN NICHOLIA: Questions? It's been
44 moved and seconded for the Office of Subsistence
45 Management to align these five proposals, three coyote
46 proposals, a moose proposal, and brown bear, for them.
47 All those in favor of that signify by saying aye.

48

49 IN UNISON: Aye.

50

00057

1 CHAIRMAN NICHOLIA: All those opposed
2 same sign.

3
4 (No opposing votes.)

5
6 CHAIRMAN NICHOLIA: Okay. Move on, Pete

7
8 MR. DeMATTEO: Next is sort of a
9 miscellaneous section. Unit 20(B), the Fairbanks
10 Management Area, the language describing the area is
11 quite lengthy. I won't read it now, but in the past
12 you've seen proposals that came out of this Council to
13 expand the language that describes the definition of it
14 to allow for more access. Again, the State regulations
15 have expanded that definition, and a proposal would be
16 required for the Board to expand that on the Federal side
17 as well.

18
19 Also, under black bear, Unit 25(D), under
20 Federal regulations, the only time you may bait for black
21 bear in 25(D) is April 15th through June 30. The State
22 now has a baiting season, which is August 1 through
23 September 25, and also establishes a community harvest
24 limit. Again, there would be a proposal required for the
25 Board to consider this.

26
27 CHAIRMAN NICHOLIA: Go ahead.

28
29 MS. WAGGONER: So basically we would be
30 developing a proposal would be to open the fall baiting
31 season. Now, would we be as an advisory council doing
32 the community harvest hunt, too?

33
34 MR. DeMATTEO: What this would do is by
35 regulation establish the community harvest hunt.

36
37 MS. WAGGONER: Uh-huh.

38
39 MR. DeMATTEO: This would make it also in
40 Federal regulations, so this community harvest limit,
41 okay, would be unilateral on State and Federal
42 regulations.

43
44 MS. WAGGONER: My question is, I know
45 what a major legal nightmare it was to establish a
46 community moose hunt up there. And is this going to be
47 -- would it be just a very easy change, or is it going to
48 be a major legal nightmare?

49
50 MR. DeMATTEO: Well, I think in all

00058

1 fairness the Department of Fish and Game should address
2 that. But one thing you don't want to end up with is
3 where you have a number of Federal permits out there, and
4 then you have the Tier II situation on the other side.

5

6 MS. WAGGONER: Right.

7

8 MR. DeMATTEO: That's very hard to manage
9 as you can imagine.

10

11 MS. WAGGONER: Yeah. Now, I'm in full
12 agreement with liberalizing any bear hunting on 25(D), so
13 I was just curious about that.

14

15 CHAIRMAN NICHOLIA: Any more questions?

16

17 MS. WAGGONER: I move to have OSM staff
18 develop proposals regarding expanding the Fairbanks
19 Management area and aligning the black bear fall baiting
20 and community harvest hunt for 25(D).

21

22 MR. UMPHENOUR: Second.

23

24 MR. WILDE: Question.

25

26 CHAIRMAN NICHOLIA: It's been moved,
27 second, and question. All those in favor of Tricia's
28 proposal signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRMAN NICHOLIA: Those opposed same
33 sign.

34

35 (No opposing votes.)

36

37 CHAIRMAN NICHOLIA: Carries. Okay, Pete.

38

39 MR. DeMATTEO: Under trapping regulations
40 for beaver, Units 12 and 20(E). The current Federal
41 regulations for the two sub units, the season's November
42 1st through April 15th. Under the new State regulations,
43 the season's September 20th through May 15th, and it also
44 establishes a firearm only season September 20th through
45 October 31st, and also April 16th, and requires meat
46 salvage for human consumption. So from the get go it
47 would expand the over-all season, and also establishes
48 the firearm only season during those two periods. Is it
49 the Council's wishes that staff draft a proposal in the
50 council's name bearing this change?

00059

1 CHAIRMAN NICHOLIA: Do you think the ice
2 will be strong by August 30th? I mean, October 30th?

3

4 MS. WAGGONER: Uh-huh. (Affirmative)
5 The 30th in places. Part of it frozen, not always
6 though.

7

8 MS. ENTSMINGER: Yeah, not always.

9

10 CHAIRMAN NICHOLIA: Now, is that our
11 wish?

12

13 UNIDENTIFIED VOICE: I think that's.....

14

15 CHAIRMAN NICHOLIA: Okay. Will you move?

16

17 MS. WAGGONER: I move that OSM staff
18 develop a proposal to align the beaver seasons and
19 methods and bag limits in 12 and 20(E) with the state.

20

21 MS. ENTSMINGER: Second.

22

23 MS. WAGGONER: Question.

24

25 CHAIRMAN NICHOLIA: It's been moved and
26 seconded. The question's been called. All those in
27 favor signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRMAN NICHOLIA: Those opposed same
32 sign.

33

34 (No opposing votes.)

35

36 CHAIRMAN NICHOLIA: Okay.

37

38 MR. DeMATTEO: Mr. Chair, also at this
39 time it's a call for proposals. The Council can generate
40 its own proposal, or any individual for that matter, or
41 you can bring concerns that you carried from the
42 individual subregions that you represent and throw it on
43 the table, and the Council can draft a proposal, and
44 Staff, of course, will work with you to do so.

45

46 CHAIRMAN NICHOLIA: What time we've got?

47

48 MR. UMPHENOUR: I've got three minutes to

49 12.

50

00060

1 CHAIRMAN NICHOLIA: Lunchtime? And then
2 what's after lunch, Donald?

3

4 MR. MIKE: Mr. Chair, after lunch we can
5 deal with Regional Council members' reports, and that
6 includes local advisory committee meetings, tribal
7 village council meetings, SRA meetings, and then we have
8 agency reports.

9

10 CHAIRMAN NICHOLIA: Okay. Well, wait,
11 what do you want?

12

13 MR. DeMATTEO: Just one note. If you
14 decide after you get home if you still want to submit a
15 proposal, you have through October 25 to submit it. You
16 can just call me or Vince on the phone, and we can do it
17 over the phone, or you can submit it by mail.

18

19 CHAIRMAN NICHOLIA: Virg?

20

21 MR. UMPHENOUR: And I have something I've
22 been thinking about. After lunch I'd like to ask a
23 question about it, and I think Sue's probably the most
24 knowledgeable person, but that's about subsistence sheep
25 hunting in the national parks and stuff.

26

27 CHAIRMAN NICHOLIA: Okay.

28

29 MR. UMPHENOUR: I have an idea on that.

30

31 CHAIRMAN NICHOLIA: You had a question?

32

33 MS. GRONQUIST: This would also be the
34 appropriate time to bring up any suggestions that the
35 audience may have, agency people included, regarding
36 possible regulation proposals you might want to make.
37 And I actually have one, so if you choose, we can address
38 it after lunch, or I could briefly go into it now.

39

40 CHAIRMAN NICHOLIA: Is it going to be
41 long?

42

43 MS. GRONQUIST: Well, Pete thinks it
44 might take a while, so we could do it after lunch.

45

46 CHAIRMAN NICHOLIA: Yeah, after lunch.
47 Go to lunch. We'll reconvene at one.

48

49 (Off record)

50

00061

1 (On record)

2

3 CHAIRMAN NICHOLIA: You had another
4 wildlife proposal?

5

6 MR. MIKE: Mr. Chair, I think BLM, Ruth
7 Gronquist, was going to address the council on.....

8

9 CHAIRMAN NICHOLIA: What?

10

11 MR. MIKE: Ruth Gronquist was going to
12 address the Council on potential wildlife proposals.

13

14 CHAIRMAN NICHOLIA: Okay.

15

16 MS. GRONQUIST: Thank you, Mr. Chair. My
17 name is Ruth Gronquist, and I'm with the Bureau of Land
18 Management in Fairbanks.

19

20 Last spring the Board of Game changed the
21 regulation for White Mountain's caribou to eliminate the
22 fall cow hunt. And there was no mechanism for this
23 Council to address that. That's an artifact of the lag
24 between the time our proposals are due and the State
25 proposals are due. so I am just bringing to your
26 attention that there is a difference between the fall
27 season for White Mountains caribou in which the Federal
28 system still allows for the harvest of cow, the State
29 system does not. And when the State originally made this
30 proposal, it was based on a population estimate that was
31 higher than they actually found with the census was
32 conducted that following year. So they made an
33 adjustment in their regulation, because they felt that it
34 was not, from a biological standpoint, not advisable to
35 be harvesting cows in the fall. And if you have any
36 specific questions about why the State made that
37 decision, we can ask Gren Allen to flesh that out. So
38 basically we're just -- we at BLM recommend that this
39 counsel put forth a proposal to align the bag limit with
40 the State so that there is not a cow harvest in the fall
41 on the federal side either.

42

43 CHAIRMAN NICHOLIA: Okay. Tom -- I mean,
44 Donald, you are so directed.

45

46 MS. ENTSMINGER: I have a question.

47

48 CHAIRMAN NICHOLIA: Go ahead.

49

50 MS. ENTSMINGER: Just to maybe -- I think

00062

1 EVO (ph) was wanting to keep that cow harvest, but I
2 don't recall.

3

4 MS. GRONQUIST: Excuse me, Sue, we're
5 talking about 25(C).

6

7 MS. ENTSMINGER: Okay. I've gotcha.

8

9 MS. GRONQUIST: With the White Mountains
10 caribou herd. I'm sorry, I didn't -- I just called them
11 by name rather than by game management unit.

12

13 MS. ENTSMINGER: Okay. Okay.

14

15 MS. GRONQUIST: It's within the White
16 Mountains primarily.

17

18 MS. ENTSMINGER: Gotcha.

19

20 MR. WILDE: 25(C) or 20(B)?

21

22 MS. GRONQUIST: 25(C) White Mountains.
23 So it's the regulation that reads west of the east bank
24 of Preacher Creek to its confluence with American Creek,
25 and west of the east bank.

26

27 MR. WILDE: Yeah.

28

29 MS. GRONQUIST: Something like that.

30

31 CHAIRMAN NICHOLIA: Go ahead, Tricia.

32

33 MS. WAGGONER: Okay. Right now, the way
34 I'm reading it, it's August 10th to September 20th, and
35 then November 1st to February 28th. So would it still be
36 one caribou in the August season, and one bull in the
37 November, the winter season?

38

39 MS. GRONQUIST: It's actually the
40 opposite. It would be one bull in the fall season when
41 hunting pressure is the highest in that area, and would
42 continue to be one caribou in the winter season, the
43 season beginning for Federal hunters November 1st.

44

45 MS. WAGGONER: Okay.

46

47 CHAIRMAN NICHOLIA: Did you hear that,
48 Virg?

49

50 MR. UMPHENOUR: Maybe you could just

00063

1 briefly run over it again. I was back there discussing
2 some other issues.

3

4 MS. GRONQUIST: Would you like me to run
5 over it again?

6

7 MR. UMPHENOUR: Yep. Just quickly. I
8 heard the tail end, but not the front end.

9

10 MS. GRONQUIST: Okay. This is a
11 suggestion from BLM that the Council put forth a proposal
12 to align the White Mountains caribou season within 25(C),
13 basically within the White Mountains National Recreation
14 Area, with the State bag limit in the fall. The State
15 revised their bag limit from one caribou in the fall to
16 on bull.

17

18 MR. WILDE: Actually it doesn't say.....

19

20 CHAIRMAN NICHOLIA: That's here, 25.

21

22 MR. WILDE: It doesn't have one caribou,
23 one bull or one cow, anything on it?

24

25 MS. WAGGONER: Page 148?

26

27 MR. WILDE: Yes.

28

29 MS. WAGGONER: One caribou.

30

31 MR. WILDE: No, that's the other side of
32 the highway.

33

34 MS. WAGGONER: 25(C)?

35

36 MR. WILDE: That's the remainder of, it's
37 the one above that, the portion west of the east bank of
38 the main stream of Preacher Creek, dah-ta-dah-dah-dah.
39 There's nothing said about one caribou at all in there.

40

41 MS. GRONQUIST: Are you in the fifth, on
42 the right column, the fifth paragraph?

43

44 MR. WILDE: Yes.

45

46 MS. GRONQUIST: Okay. Right after then
47 west of the east bank of American Creek, dash, one
48 caribou.

49

50 MS. WAGGONER: Oh, I see it. I've got

00064

1 it. It isn't in there.

2

3 CHAIRMAN NICHOLIA: Well, where do.....

4

5 MS. GRONQUIST: Yeah, here.

6

7 MR. WILDE: I thought, well, it's not in
8 this one.

9

10 MS. WAGGONER: One caribou.

11

12 MR. WILDE: Oh, geeze.

13

14 MS. WAGGONER: They buried it.

15

16 (Indiscernible - simultaneous speech)

17

18 MS. GRONQUIST: It is hard to see.

19

20 MR. WILDE: Okay. I know I was missing
21 something. I'm sorry.

22

23 MS. GRONQUIST: Yeah, that is a bad
24 place.

25

26 MS. WAGGONER: I thought it was supposed
27 to be here.

28

29 (General conversation)

30

31 MR. WILDE: No, this one.

32

33 UNIDENTIFIED VOICE: That one.

34

35 MR. WILDE: It was there. I just
36 couldn't.....

37

38 UNIDENTIFIED VOICE: Oh, it's right here.

39

40 MR. WILDE: Yeah, highlight it for me,
41 will you?

42

43 UNIDENTIFIED VOICE: Okay.

44

45 MR. WILDE: Okay. Sorry. Okay.

46

47 MS. ENTSMINGER: Comes with age.

48

49 MR. WILDE: Thanks, I needed that.

50

00065

1 CHAIRMAN NICHOLIA: Okay. Trish.

2

3 MS. WAGGONER: I guess my only question
4 would be how many cows are being taken on Federal land,
5 you know, by Federal hunters in there? Do you have any
6 idea?

7

8 MS. GRONQUIST: In an average year,
9 probably not very many.

10

11 MS. WAGGONER: So are we realistically or
12 unrealistically limiting subsistence opportunity to ease
13 enforcement's burden?

14

15 CHAIRMAN NICHOLIA: Or is it a
16 conservation concern?

17

18 MS. GRONQUIST: Pardon me?

19

20 CHAIRMAN NICHOLIA: Conservation concern.

21

22 MS. GRONQUIST: Well, originally it was a
23 conservation concern, and that's a difficult thing to
24 assess, if it's actually going to limit opportunity as
25 well as what the harvest -- I mean, we do have figures on
26 what the harvest is and what the cow harvest is. I think
27 it's a little bit difficult to separate out in the fall
28 since I believe it's still on a harvest ticket that it's
29 sort of difficult, it is a little bit more difficult to
30 separate out whether it's a rural resident harvesting
31 that cow or not.

32

33 CHAIRMAN NICHOLIA: Go ahead, Virg.

34

35 MR. UMPHENOUR: Okay. I think, let me
36 ask this question, I think the State discontinued this
37 hunt that started November 1 in the Unit 26(C), the
38 portion to the west of Preacher Creek, didn't they? Is
39 that discontinued, or the date changed, pushed back to 1
40 December instead of 1 November? It was 1 November year
41 before last, and then they changed it this year I think.

42

43 MS. GRONQUIST: I believe that's right,
44 Virgil, that they did change it. They pushed back.
45 There was originally a season that was 1 November, that
46 began 1 November. We didn't think that that was that
47 critical, and there are other hunts across the State,
48 including the one right across the river where there is
49 an opportunity for Federal subsistence hunters to hunt
50 when there isn't a State hunt. So that wasn't something

00066

1 we felt really strongly about addressing.

2

3 MR. UMPHENOUR: Okay. So the only thing
4 you want to do is make it so that it's one bull instead
5 of one caribou?

6

7 MS. GRONQUIST: In the fall.

8

9 MR. UMPHENOUR: In the fall. So when you
10 stay the fall, you mean starting August 10th to September
11 20th?

12

13 MS. GRONQUIST: I don't have the book in
14 front of me, but if that's the fall date, yes.

15

16 MR. UMPHENOUR: And then the November 1
17 to March 31, it would be one -- changed from one bull to
18 one caribou, right, because you.....

19

20 MS. GRONQUIST: It would remain one
21 caribou as it now.

22

23 MR. UMPHENOUR: Okay.

24

25 MS. GRONQUIST: Which is the same thing
26 the State did with that hunt. It's the access into that
27 area is very poor during the winter hunt, and harvest can
28 be zero to I'm not sure what the upper limit is, but.....

29

30 MR. UMPHENOUR: I know. My son hunted it
31 two years ago and I think him and his buddy were the only
32 ones that reported killing a caribou over there, because
33 it was very difficult for them to go.

34

35 MS. GRONQUIST: Yes.

36

37 MR. UMPHENOUR: They had to take a tent
38 and camp out.

39

40 CHAIRMAN NICHOLIA: Jim.

41

42 MR. WILDE: That's answered.

43

44 CHAIRMAN NICHOLIA: That's it?

45

46 MR. UMPHENOUR: I don't see any problem
47 with it.

48

49 MS. WAGGONER: Unh-unh. (Negative)

50

00067

1 CHAIRMAN NICHOLIA: Thank you, Ruth.

2

3 MS. GRONQUIST: Thank you.

4

5 CHAIRMAN NICHOLIA: Do we have to vote on
6 it, Donald?

7

8 MR. MIKE: It would have to be, to put it
9 on the record then, put a motion forward to have OSM do
10 up a proposal for the Eastern Interior Regional Council.

11

12 MS. WAGGONER: So moved

13

14 MS. ENTSMINGER: Second.

15

16 MR. UMPHENOUR: Question.

17

18 CHAIRMAN NICHOLIA: It's been moved,
19 second and question to align the Federal regulations -- I
20 mean to align the Federal regulations to one bull from
21 one caribou in September, 20(C) in the White Mountain
22 National Recreation Area. All those in favor signify by
23 saying aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN NICHOLIA: All those opposed
28 same sign.

29

30 (No opposing votes.)

31

32 CHAIRMAN NICHOLIA: It carries. Who's up
33 next, Donald?

34

35 MR. MIKE: Mr. Chair, I think Tricia had
36 something to say on wildlife proposals.

37

38 CHAIRMAN NICHOLIA: Okay.

39

40 MS. WAGGONER: Yeah, I wanted to bring up
41 one more. In 20(E) on page 116, under the moose season
42 Unit 20(E) is open to all rural residents. Moose are
43 getting limited. It's a very narrow corridor for Federal
44 users in that area along the 40-Mile drainage, and
45 there's been concern to have OSM provide some c&t
46 information to restrict hunting in this area, and so
47 basically I'd like to ask that OSM develop some c&t
48 information for the board, or a c&t proposal, because we
49 can't make a decision on communities until they do that,
50 right?

00068

1 CHAIRMAN NICHOLIA: Are we going to open
2 a big can of worms?

3

4 MS. WAGGONER: I think it's maybe
5 something at least we should look at. See that little
6 orange line down there?

7

8 CHAIRMAN NICHOLIA: Uh-huh.
9 (Affirmative)

10

11 MS. WAGGONER: And then the Yukon Charlie
12 area.

13

14 CHAIRMAN NICHOLIA: Okay. So we can add
15 that to.....

16

17 MS. WAGGONER: Unh-unh. It's up to the
18 Yukon Charlie and that's fairly inaccessible.

19

20 UNIDENTIFIED VOICE: Terry has some
21 comments.

22

23 CHAIRMAN NICHOLIA: Okay.

24

25 MR. HAYNES: Mr. Chairman, I would
26 recommend that if you want to see the Federal Board
27 consider changing the c&t finding, that you submit a
28 proposal. I believe the information necessary to
29 evaluate customary and traditional uses of moose in Unit
30 20(E), I believe that information is available. It's
31 just a matter of compiling it.

32

33 MS. WAGGONER: Right.

34

35 MR. HAYNES: I don't believe it would
36 require new studies to be done.

37

38 MS. WAGGONER: No, but we don't have that
39 information today to make that.

40

41 MR. HAYNES: No, you don't have it, but
42 you could certainly have it by your winter meeting.

43

44 MS. WAGGONER: Right. Right.

45

46 CHAIRMAN NICHOLIA: State your name for
47 the record?

48

49 MR. HAYNES: I'm sorry, Terry Haynes,
50 Department of Fish and Game.

00069

1 CHAIRMAN NICHOLIA: You had something to
2 say Craig?

3

4 MR. GARDNER: No, not unless you want to
5 talk about that one a little longer.

6

7 CHAIRMAN NICHOLIA: Okay. You're down to
8 20 seconds. Okay. So you want that to be purported by
9 this Council?

10

11 MS. WAGGONER: Yeah. I move.

12

13 CHAIRMAN NICHOLIA: You move.

14

15 MS. WAGGONER: That we make c&t
16 determination on Unit 20(E) for moose. Moose only, 20(E)
17 only, to be changing it from all rural residents.

18

19 MS. ENTSMINGER: One question.

20

21 CHAIRMAN NICHOLIA: Go ahead.

22

23 MS. ENTSMINGER: It is a problem, Craig,
24 do you think?

25

26 MR. GARDNER: No, Craig Gardner, Fish and
27 Game, Tok. No, actually I would support changing the all
28 rural resident down to something more restrictive.

29

30 CHAIRMAN NICHOLIA: Virg?

31

32 MR. UMPHENOUR: I don't understand why
33 you would want to do that. They already have a hunting
34 season. You want to just do a c&t finding for moose for
35 there? Does anybody know whether there currently is
36 one?

37

38 MR. MIKE: There's no c&t for moose in
39 20(E) in Federal regulations. Mr. Haynes was saying that
40 we have all that information to make -- the Board has all
41 that information to help make the determination.

42

43 MR. WILDE: Both areas or just this one?

44

45 UNIDENTIFIED VOICE: Just this.

46

47 MR. HAYNES: Mr. Chairman?

48

49 CHAIRMAN NICHOLIA: Go ahead, Terry.

50

00070

1 MR. HAYNES: Virgil, the current Federal
2 c&t finding is for all rural residents of the State. So
3 in theory any rural resident of Alaska can currently hunt
4 moose in Unit 20(E) under the Federal regulations. In
5 reality not all rural residents of Alaska have a
6 customary and traditional use of hunting moose in 20(E),
7 but it could become a magnet for other rural residents as
8 opportunities decline in other areas. I think that's the
9 intent, is to have those people who have a customary and
10 traditional use identified.

11

12 MR. UMPHENOUR: Okay.

13

14 CHAIRMAN NICHOLIA: It's been moved.

15

16 MS. ENTSMINGER: And seconded.

17

18 MR. UMPHENOUR: Question.

19

20 CHAIRMAN NICHOLIA: It's been moved,
21 seconded and question. All those in favor signify by
22 saying aye.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN NICHOLIA: Those opposed, same
27 sign.

28

29 (No opposing votes.)

30

31 CHAIRMAN NICHOLIA: Who's up next,
32 Donald?

33

34 MR. MIKE: Mr. Chair, I believe that is
35 all the wildlife proposals at that this time.

36

37 CHAIRMAN NICHOLIA: Well, I'll let Craig
38 Gardner's 18 seconds.

39

40 MR. GARDNER: Okay?

41

42 CHAIRMAN NICHOLIA: Uh-huh.

43 (Affirmative)

44

45 MR. GARDNER: I'd actually like to the
46 Council to consider making two more proposals, and I
47 think both of them are actually housecleaning. One is
48 again dealing with moose in Unit 12 and 20(E). Last year
49 at Chena Hot Springs you guys put forward a proposal to
50 change the moose season in 12 and 20(E) for August. It

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1 used to be the 18th to 28th for spike fork moose only,
2 and we changed it to the 24th to 28th for any bull. For
3 whatever reason, the National Park Service preserve lands
4 wasn't brought along with that regulation, so there's
5 like Yukon Charlie Preserve now has this season only
6 spike forks where everywhere else on Federal land you can
7 hunt for any antlered bull. And the same thing for also
8 Wrangell-St. Elias in the preserve. So I'd like to see a
9 proposal go forward to kind of make all Federal land to
10 be the same moose season in 12 and 20(E), it would be the
11 24th to 28th for any antlered bull.

12

13 CHAIRMAN NICHOLIA: Trish.

14

15 MS. WAGGONER: Well, here it says one
16 bull in the regulations.

17

18 MR. GARDNER: Right. But if you keep
19 looking.....

20

21 MS. WAGGONER: But the dates -- I mean, I
22 see the dates are longer.

23

24 MR. GARDNER: Well, if you look in that.
25 Okay. Yukon-Charlie. Actually go back to Unit 12.

26

27 MS. WAGGONER: Okay.

28

29 MR. GARDNER: So I guess page 74, the top
30 part there. That portion lying east Nabesna River, east
31 of Nabesna Glacier and all that. If you look at it, it
32 has an August 15th to August 28th, that's for spiked fork
33 antlers.

34

35 MS. WAGGONER: Okay. In the Wrangells.

36

37 MR. GARDNER: Right.

38

39 MS. WAGGONER: Yukon-Charlie.

40

41 MR. GARDNER: Right. My mistake. But
42 that should be cleaned up. Now everything's the same
43 going across.

44

45 CHAIRMAN NICHOLIA: So this is just one
46 proposal. What's this going to align to?

47

48 MR. GARDNER: Well, this would align with
49 -- you know, the whole federal land in Unit 12 now.

50

00072

1 CHAIRMAN NICHOLIA: Okay.

2

3 MR. GARDNER: And it will give people in
4 the preserve a chance to shot at antlered bull instead of
5 a spike fork during that August portion.

6

7 (Whispered conversation)

8

9 MS. ENTSMINGER: Do you want to do them
10 both or one? Let's do them both.

11

12 (Whispered conversation)

13

14 MS. ENTSMINGER: Is there a problem in
15 20(E), Craig?

16

17 MR. GARDNER: Well, no. Actually I don't
18 know where I was. Actually 20(E) is right.

19

20 MS. ENTSMINGER: Okay.

21

22 MR. GARDNER: No, it's just in Unit 12.

23

24 CHAIRMAN NICHOLIA: Just Unit 12.

25

26 MR. GARDNER: Yeah.

27

28 MS. ENTSMINGER: Okay. So we need --
29 just so moved. You'll understand, right.

30

31 CHAIRMAN NICHOLIA: Uh-huh.

32

33 MR. WILDE: Second.

34

35 CHAIRMAN NICHOLIA: Who moved?

36

37 MS. WAGGONER: Sue.

38

39 MR. UMPHENOUR: Question.

40

41 CHAIRMAN NICHOLIA: A second and a
42 question called to what Craig said. All those in favor
43 signify by saying aye.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN NICHOLIA: Opposed, same sign.

48

49 (No opposing votes.)

50

00073

1 CHAIRMAN NICHOLIA: Just to clarify it,
2 Craig, could you say it again?

3
4 MR. GARDNER: Oh, my name? Craig Gardner.

5
6 CHAIRMAN NICHOLIA: No, just to clarify
7 our motion.

8
9 MR. GARDNER: Okay. The motion would be
10 for Unit 12 on, let me get back to that page here.

11
12 MS. WAGGONER: 74.

13
14 MR. GARDNER: Okay. For Unit 12, that
15 portion lying east of the Nabesna River, east of Nabesna
16 Glacier and south of the Winter Trail, running southeast
17 from Trickle Lake to the Canadian border, one antlered
18 bull; however, during August 15th to the 28th, that will
19 now become August 24 through the 28th. Only bulls with
20 spike fork antlers may be taken, and that will be changed
21 to any antlered bull.

22
23 MS. WAGGONER: So we're doing two things
24 there, changing the season and changing it.....

25
26 MR. GARDNER: Right, back.

27
28 CHAIRMAN NICHOLIA: What else have you
29 got?

30
31 MR. GARDNER: Are you guys done with that
32 one? Then the part right below that, too.

33
34 MS. WAGGONER: Oh, okay, because I was
35 going to say, because also it says remainder.

36
37 MR. GARDNER: Right. The remainder,
38 right.

39
40 MS. WAGGONER: So just to make it clear,
41 both of those, the Nabesna River portion and the
42 remainder would be changed to August 24th to the 28th?

43
44 MR. GARDNER: 28th.

45
46 MS. WAGGONER: And one bull?

47
48 MR. GARDNER: One antlered bull. Okay.
49 The last one, and this one's truly housecleaning, and
50 this one was actually a mistake that kind of escaped me

00074

1 for years. In 20(E) and 12, and it's for wolf trapping
2 primarily, but coyote trapping was extended back I think
3 in '96 to mirror the wolf season, so it included October
4 and April, but unfortunately the methods and means were
5 changed. And last year at the Board of Game meeting for
6 the October/April season, for wolves and coyotes, we've
7 made the methods and means the same, so basically it
8 won't affect any trapper out there, except for the ones
9 that want to kind of cheat and put out a lynx set or a
10 marten set and say they're coyote trapping, because, see,
11 there was no methods and means restricted during that
12 portion with that coyote season, so what I would like to
13 see changed is it's a section in your book, actually in
14 the very beginning, like for 12 and 20(E), if you look at
15 -- under special provisions on page 71, the second one
16 down, it says trapping of wolves in Unit 12 during April
17 and October with a steel trap or with a snare using
18 cables smaller than 3/32nd inch diameter is prohibited.
19 I would like to see it say trapping of wolves or coyotes.
20 Because what it did, it just gave a little bit of a
21 window for people to kind of cheat, and we cleaned that
22 up in the State last Board session and like I said, it
23 won't really affect any legitimate trapper out there.
24 It's just the people that might try to slip in a marten
25 set or a lynx set and call it a coyote set.

26

27 MS. WAGGONER: So moved.

28

29 MS. ENTSMINGER: Second.

30

31 MR. UMPHENOUR: Question.

32

33 CHAIRMAN NICHOLIA: Moved, second and
34 question. All those in favor signify by saying aye?

35

36 IN UNISON: Aye.

37

38 CHAIRMAN NICHOLIA: Opposed.

39

40 (No opposing votes.)

41

42 CHAIRMAN NICHOLIA: Motion carries.

43 Okay. Donald?

44

45 MR. MIKE: Mr. Chairman, I believe Mr.

46 Umphenour requested some information on sheep hunting on
47 the wildlife.....

48

49 MR. UMPHENOUR: We hashed that out over

50 lunch, Sue and I did, and I got my question answered to

00075

1 my satisfaction.

2

3 CHAIRMAN NICHOLIA: Okay.

4

5 MR. MIKE: Okay. Thank you, Mr. Chair.
6 The next item is the Regional Council reports. And this
7 will give the opportunity on the Council to give reports
8 on the events that occurs on advisory committee meetings
9 or the tribal village council meetings, and SRC meetings.

10

11 CHAIRMAN NICHOLIA: You mean in our
12 report?

13

14 MR. MIKE: Just for the Council to have
15 an opportunity to exchange some information between your
16 co-Council members. If there are any pressing issues
17 that the Council members would like to share within this
18 group.

19

20 CHAIRMAN NICHOLIA: I'd like to see no
21 changes that we make to our customary trade.

22

23 MR. MIKE: If there's none, we can move
24 on to the next agenda item.

25

26 CHAIRMAN NICHOLIA: Okay.

27

28 MR. MIKE: The next agenda item is the
29 agency reports, and we have I think Tom Kron to present
30 locations or -- where's Tom?

31

32 CHAIRMAN NICHOLIA: He's not here.

33

34 MR. MIKE: Okay. We can wait until he
35 gets back.

36

37 CHAIRMAN NICHOLIA: Uh-huh.

38

39 MR. MIKE: We can just go on down the
40 line. Tribal Councils, Alaska Department of Fish and
41 Game, BLM, Fish and Wildlife Service, Refuges, the
42 National Park Service. And Jill Klein had to leave. And
43 other agency reports. And under other agency reports,
44 the Yukon Flats Moose Management Planning Committee would
45 like to give an update to the Council. I think we can go
46 with tribal councils, and then Alaska Department of Fish
47 and Game. If there are any tribal councils that would
48 like to give an agency report.

49

50 CHAIRMAN NICHOLIA: Yeah, I had something

00076

1 from my tribal council on c&t, but I think we took care
2 of it.

3

4 MR. MIKE: Do you want to move on?

5

6 CHAIRMAN NICHOLIA: Yeah. Unless anybody
7 else want to say anything.

8

9 MR. MIKE: We have Department of Fish and
10 Game, statewide and area biologist, if they'd like to
11 give a report. I think Mr. Terry Haynes would like to
12 report to the Council.

13

14 CHAIRMAN NICHOLIA: Okay.

15

16 MR. HAYNES: Mr. Chairman, thank you. My
17 name is Terry Haynes. I'm Department of Fish and Game.
18 I'm a member of the State/Federal Liaison Team. Several
19 other department staff are here to present you with very
20 short reports this afternoon.

21

22 I would like to hand out and talk to you
23 just briefly about one of the protocols that the State
24 and Federal groups are working on. And as you know, Mr.
25 Chairman, you are also a member of the Amounts Necessary
26 Protocol Work Group. What I'm circulating is the current
27 discussion draft of the amounts necessary protocol that
28 the State and Federal staff are working on.

29

30 The general idea is the State currently
31 has in regulation what are called amounts necessary for
32 subsistence to help the regulatory boards determine how
33 much of a harvestable surplus of various fish stocks and
34 wildlife populations need to be made available to
35 accommodate subsistence uses. There aren't similar
36 numbers in Federal regulation, and some of us are
37 interested in seeing some numbers established in Federal
38 regulation. This protocol work group is attempting to
39 come up with a proposal to do that. There are
40 State/Federal agency representations on this work group,
41 as well as two Regional Council Chairs, Gerald Nicholia
42 and from the North Slope.

43

44 CHAIRMAN NICHOLIA: Harry Brower.

45

46 MR. HAYNES: Harry Brower, Jr. What I've
47 handed out reflects changes and discussion that we had at
48 our last protocol work group meeting this summer. The
49 charge is something we'd like to have the Council take a
50 quite look at and see if you have questions or concerns

00077

1 about kid of the over-all objective.

2

3 I will add that we have been proceeding
4 with guidance from all of the Regional Council chairs
5 that meet once or twice a year prior to the Federal Board
6 meetings, and they've given us concerns that we've tried
7 to address in the charge, in the tasks, and the various
8 steps that we will be dealing with in this protocol.

9

10 So I'm here today just to inform the
11 council that we're working on this. It's very important
12 for Eastern Interior/Western Interior and Y-K Delta
13 Councils, because one thing we are recommending, and this
14 is consistent with the recommendations from the Regional
15 Council Chairs, that if there's interest in moving
16 forward with establishing Federal subsistence use
17 amounts, that we don't do it for all species right away,
18 that it be done initially for Yukon River salmon, and
19 people have a chance to see how that would work, so that
20 they're comfortable with it or if there are bugs in how
21 it's worked that, you know, we can go back and try to fix
22 things before the concept is applied more generally. So
23 we're most concerned that Eastern Interior/Western
24 Interior and Y-K Delta Councils are very aware of what
25 we're going, because Yukon River salmon would be the
26 first species affected.

27

28 With that, if Gerald has something he'd
29 like to add, or would like me to add, I can do that, or
30 if you have questions, I'll try to answer those.

31

32 CHAIRMAN NICHOLIA: At this point we
33 picked, why all 10 chairs picked the Yukon River is
34 because it was stocks of concern, and there is a couple
35 of Department people that wanted to include all fisheries
36 in all 10 regions, but we didn't want to take such a big
37 bite, and we just picked the worst area in the 10 regions
38 for trying.

39

40 MR. HAYNES: Now, I will say that you are
41 very well represented on the work group. Gerald's very
42 active. We start straying one way or another, he pulls
43 the reins in, and so I think we all appreciate that. Not
44 everybody agrees with everything that we're doing so far,
45 but what we're trying to do is agree that we try to
46 accomplish something, and figure out what it is we can
47 accomplish so that a good product goes out for the
48 Regional Councils to look at.

49

50 You can see on page four the schedule

00078

1 that we are currently working under. I might add as well
2 that Ida Hildebrand of the BIA and I co-chair this group.
3 But we are a ways away from implementing anything if
4 things go as outlined in this timetable, but the Council
5 will be seeing documents in the near future. We hope to
6 have something available to present to you at the winter
7 Council meetings.

8

9 CHAIRMAN NICHOLIA: So this is just more
10 of a review, but then you're not requesting no action?

11

12 MR. HAYNES: Yeah. And if Council
13 members have questions, you feel like there's something
14 we're overlooking or that you're not sure we've dealt
15 with, please let us know. Let Gerald know, let Donald
16 Mike know, let me know, and we'll address it when the
17 working group next meets. So I don't want you to feel
18 pressured to have to read through this this afternoon,
19 but we are very interested in your input and feedback.

20

21 That's all I have, Mr. Chairman, but I'll
22 let other Department representatives come up and present
23 you reports.

24

25 CHAIRMAN NICHOLIA: First, do we have any
26 questions? Go ahead, Virg.

27

28 MR. UMPHENOUR: This amount on the Yukon
29 and the Kuskokwim was just done by the Board of Fisheries
30 a year ago January.

31

32 MR. HAYNES: Uh-huh.

33

34 MR. UMPHENOUR: And we spent a lot of
35 time, you know, on the Yukon because that was my
36 committee. We spent a lot of time getting the amount,
37 because what we'd had there before, there and Norton
38 Sound were the only places where the Board of Fisheries
39 actually broke salmon out by species. Every place else
40 in the State as far as the State was concerned, it was
41 just salmon, but I know that in Norton Sound it was
42 changed, and I don't see that in here. It just has the
43 Nome subdistrict, but then I guess -- I know we did it on
44 the Yukon a year ago January, and I guess the Kuskokwim
45 was done at the same time, wasn't it?

46

47 MR. HAYNES: That's correct.

48

49 MR. UMPHENOUR: Because before that it
50 was just salmon.

00079

1 MR. HAYNES: That's correct. And this
2 more closely reflects a manageable set of numbers. And
3 there may be some additional changes that have been made
4 since this appendix I think does need to be updated.

5
6 One other thing I'll mention as an aside,
7 at your next meeting you should see a new Division of
8 Subsistence staff member at your meeting. The Division
9 of Subsistence recently hired a replacement for Dave
10 Anderson, and that person will start working later in the
11 calendar year, and presumably will be here at you next
12 meeting.

13
14 CHAIRMAN NICHOLIA: Thank you.

15
16 MR. HAYNES: Thank you.

17
18 MR. ALLEN: Yeah, I'm Roy Allen with the
19 Department of Fish and Game. You had expressed a desire
20 to have a short report on the planning from Yukon Flats.
21 Randy Rogers would have normally given you a report on
22 that, but he had to go down to Anchorage this morning for
23 a meeting. They're pulling together planning for this
24 moose summit that's going to be held out in Unit 19(A)
25 and (B), and we briefed the Western Council on that last
26 night. But the Yukon Flats plan was approved by the
27 Board of Game, was also I believe approved by the Federal
28 Subsistence Board, so we have a plan in place now, and
29 you've heard about some of this before. There were
30 several proposals that the planning group put forward to
31 the Board of Game last March at their meeting, and those
32 were, I think virtually all of those were passed. There
33 was one of them, changing the moose season, that was
34 withdrawn by the committee.

35
36 But there was a community -- on black
37 bears because of the concern about predations on moose
38 calves out there. There was a community harvest system
39 that was approved by the Board, and I'm not sure whether
40 any of the villages have stepped forward out there yet to
41 initiate that.

42
43 Also there was a liberalization of the
44 grizzly season out there at the request of the Board.
45 And you also described briefly the fall baiting was
46 approved for the Flats as well, all designed to try and
47 do what we can to increase the harvest of bears out
48 there. And Randy did mention a couple of things to me,
49 that there has been already some increase in the bear
50 harvest. I don't have numbers for you on that at this

00080

1 point. I'm not sure that we even have that into our
2 harvest system yet.

3

4 And Paul Williams is here, if you'd like
5 to hear. Paul was instrumental in the planning process
6 out there, if you would like to get a short report from
7 Paul, he had told me earlier that he could do that if
8 that's your desire?

9

10 CHAIRMAN NICHOLIA: Bring him up.

11

12 MR. WILLIAMS: My name is Paul Williams.
13 I live in Beaver. I'm employed by the Fish and Wildlife
14 Service, Yukon Flats Refuge.

15

16 Last February 25th, around that date, we
17 had another meeting up at Circle Hot Spring. And at that
18 time I give a short report, and what Randy wanted me to
19 do is just give you an updated one of our activity during
20 this year. We pretty much come to a conclusion now that
21 there's nothing else we could do, you know, after going
22 to all the villages and trying to get everybody to be
23 along with our planning process, how to bring up the
24 number of moose. This is our main goal was to increase
25 the level, the number of moose. As we do surveys and
26 studies, you know, the number of moose is going down
27 drastically, so we had to do something. You know, that
28 was our main topic in going to each of the villages, you
29 know, including Circle, Fort Yukon, Kalgiksek (ph),
30 Arctic Village, Venetie, Birch Creek, Beaver, Stevens
31 Village, and try to get the local people to be involved
32 with something like increasing the take of black bear,
33 like -- I forgot your name again.

34

35 MR. ALLEN: Roy.

36

37 MR. WILLIAMS: Roy was saying, long ago.
38 And also increase the take of brown bear. that happened
39 last year and again this year, you know. The numbers are
40 going up. Just out of Beaver, you know, there's about 35
41 moose -- bear, black bear and brown bear were taken.

42

43 Also, I try to help people to fill out
44 their application for permits, and also to do their
45 reporting and also to try to get people to cut down on
46 the take of cow moose and calves. Sometimes in the
47 falltime, you know, sometimes you see three or four moose
48 in a group, one is a bull, the other one is a cow and
49 there's two calves, you know, and people go boom, boom,
50 boom, boom, four shots, got them all. So, you know,

00081

1 we're trying to get away from that. We're passing out
2 cups, you know, with a circle on it. If you take one
3 cow, you know, you're killing off a whole tribe of moose
4 for the future, and I think people really understand that
5 where we're standing.

6

7 Another thing that we've seen lately was,
8 you know, we're trying to save the moose, and it gets
9 down dangerously low, you know, we could never bring it
10 back. You know, I think people might have tried that
11 before, but I don't think it works. Bringing other moose
12 from other areas, that never work, you know, because
13 they've got to be there, and they've got to know the
14 country, and they've got to be born there, you know, so
15 it's kind of a difficult project and I think it's costly
16 to do something like that.

17

18 We're working with the Department of Fish
19 and Game and with the U.S. Fish and Wildlife, keeping in
20 close contact as we continue our effort by coming up with
21 hunter/trapper association, trying to raise a little
22 money to maybe the U.S. Native American Fish and Wildlife
23 Society, trying to get money from the Village Initiative
24 out of Anchorage. All that, you know, we've looked at,
25 you know, and also we need people who can write these
26 grant proposal for us, so maybe we can get two or \$3,000,
27 and with that, you know, let's have meetings and even
28 some of the stuff like getting some of these pilots from
29 Fairbanks who are trappers, you know, to come over and
30 possibly strike a deal with them, at least we go for gas,
31 you know, so we can identify moose kills, you know,
32 that's the easiest way to get a bunch of wolves in the
33 wintertime, you know, because summertime and springtime,
34 you know, that the biggest predator is black bear and
35 brown bear, and maybe a few wolverine, you know, a few to
36 drowning and stuff like that, you know, and our number go
37 way down, you know. Somebody was saying, you know,
38 you've got almost over 90 percent of pregnant cows, you
39 know, and that happens, but, you know, the loss is quite
40 great, and hopefully by the next time you guys meet
41 again, I might give you a report that after the survey on
42 the end of this month in 25(D) West.

43

44 That's what we do, you know, the Fish and
45 Wildlife Service in conjunction with the Department of
46 Fish and Game. And Fort Yukon, the Native Village of
47 Fort Yukon's been doing their own along with the CTG and
48 the Department. So they'll probably go on with their
49 projects, so after we're done with our surveys, then
50 we'll probably have more, hopefully we'll be able to

00082

1 count moose, not only more moose, but better composition,
2 you know, bulls, cows and calves and different age
3 groups, and that's what we do, you know, when we do these
4 aerial surveys.

5
6 I've run out of things to say real quick,
7 so if you've got any questions, I'll be happy to try to
8 answer.

9
10 CHAIRMAN NICHOLIA: Thank you.

11
12 MR. WILLIAMS: Thank you, Mr. Chairman.

13
14 CHAIRMAN NICHOLIA: Thank you.

15
16 MR. ALLEN: Also, Mr. Chairman, Craig
17 Gardner has a brief report he'd like to give you
18 concerning the Chisana herd, and also I believe he's got
19 something to say about 40-Mile and the status of that.

20
21 MR. GARDNER: Craig Gardner, area
22 biologist in Tok. Yeah, I'd just like to give a quick
23 report on the 40-Mile since this Council had such a big
24 part, you know, in the process. But the 40-Mile is still
25 kind of going through the roof. It probably grew another
26 13, 14 percent this year. We're now over 46,000 caribou.
27 Just finished the comps and now they have 39 calves per
28 100. The bull ratio is still in the mid 40s. And
29 basically it's all equating to better harvest also. The
30 Federal subsistence harvest this year is the highest it's
31 been in 20 years, you know, and it's just going to keep
32 going up. And so basically the 40-Mile's a success story
33 still, and it's still increasing.

34
35 On the other side of the coin, you have
36 Chisana herd which probably since the 1940s hasn't been a
37 really important herd for subsistence in Alaska. Now,
38 it's been actually a fairly important subsistence herd
39 just on the other side in the Yukon for the Kiwani First
40 Nation and for the White River First Nation. Now, this
41 herd is kind of doing the exact opposite. Well, it's
42 following the trend of a lot of the mountain herds in
43 Alaska. Basically it's plummeting like a rock, and
44 starting about 1990, it was like about 1900 caribou and
45 today it's probably around 300.

46
47 Maybe you've read it in the newspapers,
48 we've done some genetic work the last couple of years,
49 and what we found is that it's actually not only a
50 distinct herd, but it's also a woodland caribou herd,

00083

1 which is the only one that we found in Alaska. And
2 basically it's going away at this point.

3

4 Now, the biggest problem we have -- well,
5 there's a couple of them. One, where it lives. It
6 basically lives pretty much 100 percent of its time in
7 Alaska it lives in Wrangell/St. Elias Preserve land. And
8 when it gets out of that, it goes over into Yukon. Now,
9 when it goes into the Yukon, actually right now it's in
10 protected land also, but they're changing that. Now, to
11 try to protect the herd, the Yukoners actually started
12 the process, but we're trying to look at ways to maybe we
13 can try to stop the decline and hopefully help this herd
14 recover. It's actually -- it's not looking good.

15

16 Like I said, it's gone from 1900 to 300,
17 and it basically hasn't had a calf survive in 12 years.
18 And so the age structure, of course, is very old, and,
19 you know, basically what we're seeing is just this herd
20 is starting to die off, you know, fairly quickly now.

21

22 But just to let you know, we started our
23 planning process and that this summer. Members from the
24 Yukon came over, National Park Service, Wrangell/St.
25 Elias, Fish and Game, Fish and Wildlife was there, plus
26 the guides and users of Chisana came along. And again we
27 have just a problem with land, you know, ownership and
28 management, you know, mandates.

29

30 And so one of the things we're going to
31 try, we'll possibly try this years, we're going to
32 capture up to 30 cows on the Yukon side where they winter
33 in late April. You know, they've already been bred, you
34 know, the breeding season's now. We're going to try to
35 catch 30 pregnant cows and actually put them in, like I
36 said, an enclosure and try to hold these cows for two
37 months after they've given birth, and try to get these
38 calves up to a certain age, and see if we can actually
39 increase calf survival, you know, and not let --
40 basically predation right now is happening in the first
41 couple days from birth to about June 20th. What I've
42 been finding in the last 10 years is basically anywhere
43 from two to 300 calves being born, and by June 20th,
44 there's probably only about 30 to 50 alive. You know, so
45 that's the period that we need to stop, you know, the
46 mortality. So it's kind of an odd idea, but, you know,
47 that's kind of what we're going to try to do to see if it
48 actually makes any kind of difference.

49

50 MR. UMPHENOUR: What's the main

00084

1 predators?

2

3 MR. GARDNER: Well, we've never done a
4 calf mortality study out there. Again, you know, there's
5 plenty of wolves, plenty of grizzly bears, plenty of
6 golden eagles, and on kind of a cyclic ideas is coyotes.
7 So I'm sure they all have their -- the problem that, you
8 know, the Chisana herd has now is there's just so few
9 calves. And there's somewhat of a predictable -- like a
10 lot of caribou herds, they're kind of predictable in what
11 they do after they give birth, and they kind of go to a
12 post calving, and that's -- since they've declined,
13 that's been kind of the problem, you know, is that it
14 almost seems like they're very vulnerable to predation
15 now, you know, because they kind of move the same way,
16 and the predators kind of keyed in on them. And like I
17 said, basically in four weeks time, they're eating about
18 90 percent of the calves, but I'm sure it's, you know,
19 golden eagles for the first two, three days of their
20 life, you know, coyotes now and again when they're real
21 high numbers, but probably mainly bears and wolves still.

22

23 CHAIRMAN NICHOLIA: Okay.

24

25 MR. GARDNER: Okay.

26

27 MR. ALLEN: Mr. Chairman, I don't believe
28 we have anything else at this time, if there's any
29 questions that I might be able to answer, I'll give a
30 shot at it.

31

32 CHAIRMAN NICHOLIA: Okay.

33

34 MR. ALLEN: Thank you very much, and we
35 really appreciate the Council's support in the past for
36 our planning efforts and we feel that they're very worth
37 while, and our big challenge right now is 19(A) and (B)
38 and 21(E), so we'll be focused there for a while, but we
39 will maintain these other plans that we have going, and
40 be back in touch with you again about results or problems
41 if they arise. Thank you.

42

43 CHAIRMAN NICHOLIA: Uh-huh. Donald?

44

45 MS. BRASE: Hi, Mr. Chair, members of the
46 Council, my name is Audra Brase. I'm the assistant area
47 management biologist for commercial fisheries up here out
48 of the Fairbanks Office. I work with Fred Bue on the
49 Yukon area. I'm also in charge of the subsistence survey
50 that goes on in the Yukon every year for the salmon

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1 harvest to determine how many fish were harvested during
2 the previous season. My surveyors are out there right
3 now, and they're actually just in Tanana, and the other
4 guy's up in Bettles right now.

5

6 I just want to give you guys a real brief
7 -- some dates that are going to be coming up, and some
8 meetings that might be important for you, some things you
9 might want to know. We already presented our season
10 summary with Russ Holder yesterday.

11

12 Next week the State Board of Fish is
13 going to be meeting at a work session. There's a couple
14 agenda change requests into them. One of them the
15 Department has put out to try and clarify some of the
16 scheduling for the subsistence salmon schedule, how it's
17 going to work exactly with commercial fisheries. There
18 were some problems this -- or with the commercial season.
19 There were some problems with the summer this year,
20 exactly when to start and stop, and so we just want to
21 get some clarification from the Board what exactly they
22 intended. But we're not sure if they'll actually take up
23 this at their next session. That's why there will be an
24 agenda change requested, and so we'll find out at this
25 work session whether they'll accept it or not.

26

27 The JTC is going to be meeting October
28 30th in Whitehorse. They're still working on the
29 strategic research plan. This is to assist the Yukon
30 panel in making some funding decisions when people put in
31 their research plan, so they're trying to figure out a
32 hierarchy of what's the most important research ideas out
33 there for the Yukon right now and then hopefully give
34 funding in the appropriate manner.

35

36 The Yukon Panel will be meeting in
37 November. It's my understanding they might be working on
38 management plans at that point, so if you know who your
39 Yukon Panel member is, you know, talk with them about any
40 concerns you have as far as how the season may have went,
41 and their numbers and when they commercial fished, that
42 sort of thing.

43

44 And then as far as the Alaska Board of
45 Fisheries, April 10th, which seems like a long way off,
46 but it's really not, is the proposal deadline for the
47 January 2004 meeting. At that meeting they'll be talking
48 about Yukon fishery issues, so if you have any
49 suggestions on changes to the fishing schedule, the
50 subsistence salmon fishing schedule or allocation issues,

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1 please, you know, feel free to put forth a proposal. And
2 you guys will be meeting one more time next February or
3 March, before the proposal deadline, but just to give you
4 head's up that that is coming up this spring, so be
5 prepared.

6

7 But that's all I had. Just real brief.

8 Did you have any questions I can maybe -- okay. Thanks.

9

10 CHAIRMAN NICHOLIA: Thank you. Donald?

11

12 MR. MIKE: Mr. Chair, that's all of the
13 Department of Fish and Game reports. Is there any other
14 ADF&G, Department of Fish and Game? If not, Mr. Chair,
15 we can get into BLM statewide and district agency report.

16

17 CHAIRMAN NICHOLIA: What was that?

18

19 MR. MIKE: BLM, statewide and district,
20 if there's any BLM representatives that would like to
21 address the Council. They're next on the agenda.

22

23 MS. GRONQUIST: Thank you. I'm Ruth
24 Gronquist with BLM, and I have prepared a very brief
25 handout for you folks, and then have attached to it some
26 additional information about the Trans Alaska Pipeline
27 System renewal EIS. I think perhaps you were given some
28 information on that yesterday? No? And I really don't
29 have anything specific. The main thing I wanted to
30 address with the Council we've already dealt with. So if
31 you have any questions, I'll try and answer them.

32

33 CHAIRMAN NICHOLIA: Go ahead, Trish.

34

35 MS. WAGGONER: Do you have in here the
36 amendment to the renewal for the diversion on the Koyukuk
37 River?

38

39 MS. GRONQUIST: Yeah, the draft EIS, but
40 they just made a.....

41

42 MS. WAGGONER: I just wanted to bring it
43 up, let people know. There's been an amendment for a
44 diversion on the Koyukuk.

45

46 MS. GRONQUIST: This handout doesn't
47 specifically address that.

48

49 MS. WAGGONER: Okay.

50

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1 CHAIRMAN NICHOLIA: Any more questions.

2

3 MS. GRONQUIST: I might just mention that
4 we have a new director for BLM in the State of Alaska.
5 It's Henry Bisaunt, and so he will be our Subsistence
6 Board member. Taylor is still in place as our statewide
7 coordinator, although he's going to take a short break to
8 work on this EIS, the subsistence sections of the
9 pipeline EIS.

10

11 CHAIRMAN NICHOLIA: I only have one
12 comment from Tanana. Ever since they put that pipeline
13 in, they cut that Porcupine herd off from us. We used to
14 get caribou herd right by Tanana. Nine miles back now
15 since they put that pipeline. We never got a caribou.
16 The only caribou that we get, we've got to go 90 miles
17 away, and that's the Western Arctic Caribou Herd. That's
18 my comment. You don't have to respond to me.

19

20 MS. GRONQUIST: Thank you.

21

22 CHAIRMAN NICHOLIA: You're welcome. Who
23 else, Donald?

24

25 MR. MIKE: I think that's it for BLM. If
26 there's any other BLM representatives would like to
27 address the Council, now is the time. Annie McSweeney,
28 the BLM fisheries biologist, she just provided some
29 information on the fisheries for the summer, just for
30 your information. I'll pass it out as soon as I'm done
31 here.

32

33 The next agency on the agenda is the Fish
34 and Wildlife Service, Refuges. We can start with Arctic
35 and then Yukon Flats and then Tetlin. Any agency refuges
36 from the Arctic?

37

38 MS. BROWN: Thank you, Mr. Chair. My
39 name is Wennona Brown. I'm the subsistence coordinator
40 for the Arctic, Kanuti and Yukon Flats National Wildlife
41 refuges and I didn't really have any reports. I just
42 wanted to touch base briefly.

43

44 The Yukon Flats this year had a fairly
45 active field season. I think one thing probably of
46 interest to the Board, or the Council here, is that they
47 initiated a moose browse survey to evaluate the habitat
48 available to the moose over winter. We conducted, you
49 know, a pilot study this spring, and we'll be looking at
50 repeating that next year, and hopefully we'll have some

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1 data analysis and further reports on the field work at
2 the winter meeting.

3

4 And the same with the Arctic Refuge.

5 They had a very active field season, a lot of work
6 particularly up on the North Slope, and there again,
7 they're just in the data analysis phases of their
8 projects, so that, you know, hopefully reports of the
9 work being done will be available next spring. And if
10 there are any questions, I'll be happy to try to answer
11 them.

12

13 CHAIRMAN NICHOLIA: Anyone?

14

15 MS. BROWN: One thing, I would like to
16 take an opportunity, I want to embarrass Paul Williams
17 here sitting next to me. We did have the honor and the
18 privilege this year of having the Region 7 Fish and
19 Wildlife Service gave the Charles F. Hunt award for
20 outreach excellence, and this year the first annual award
21 went to Paul Williams. So he's for the whole State of
22 Alaska, and we quite pleased, and feel quite privileged
23 that that honor went to someone here at home.

24

25 MS. WAGGONER: Congratulations, Paul.

26

27 MS. BROWN: Paul has a couple comments.

28

29 MR. WILLIAMS: Just for information
30 purpose, we did try to hire at least one more RIT
31 position, but we haven't really been very successful as
32 yet, but we'll be trying again. There was some inquiry
33 by some local young people that could be hired, and
34 talked with the Refuge Manager yesterday, and he said
35 that position will become open again, so I'd like to say
36 that more young people can work for the Fish and Wildlife
37 Service in their area whether park or forest or refuge.
38 Thanks.

39

40 MS. BROWN: Thank you.

41

42 CHAIRMAN NICHOLIA: Thank you.

43

44 MS. FRIEND: My name is Connie Friend,
45 and I'm here to represent the Tetlin Wildlife Refuge.

46

47 There's a project that I'm working on
48 that I left off of the handout that you have, so before I
49 forget it, I'd like to start with that, and that's
50 posters that we're working on throughout all of the

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1 refuges that speak Athapaskan, and I'm working together
2 with the Arctic Refuge and Kanuti and then all of the
3 other refuges where Athapaskan is spoken. And we're
4 working on posters that have a conservation message, but
5 they're going to be printed in Athapaskan, in the
6 language where each refuge is. And we're doing that to
7 support the language revitalization work that's going on
8 in many of the villages, and so it's been a really fun
9 project. We've got a native artist from Northway doing
10 the renderings for it, and the Alaska Native Language
11 Center's partnered up with the Saduba (ph) Translations,
12 and those should be available hopefully this month. So
13 it's just to let you know that I somehow left it off.

14

15 Our caribou hunt was really poor this
16 year. The Nelchina herd crossed west of the refuge, and
17 there weren't many animals on the refuge, so we extended
18 the hunt into the spring as far as we could to give
19 opportunity and the -- I talked to the manager this
20 morning, and he's planning to do the same thing this
21 year, and if we need to close it, it will just be
22 suspended temporarily because of snow conditions or
23 whatever need that it might be closed until -- to give
24 the most opportunity for people to get meat late in the
25 year. And the herd, my understanding is that they're
26 already to Chistochina and bunching up, so they may be a
27 little early this year. So that's what happening with
28 the caribou.

29

30 The moose hunt also was really poor.
31 There were no reports of moose harvested last year. And
32 that hunt's set in the regulations from the 20th to 30th
33 of November, and that will be happening then again this
34 year.

35

36 Our biology department conducted surveys
37 during the spring and summer, primarily on migratory
38 birds, passerines and raptors. And the sense with the
39 biologist is that it was a good year for the ducks. A
40 lot of water and wet, and any problems that they seemed
41 to have with reproduction were localized, just because of
42 road conditions and interference from the road, so that
43 was what the biologist told me.

44

45 We again intend to do a cooperative moose
46 survey this fall with the Department of Fish and Game
47 when the snow conditions are favorable, which might be
48 right away.

49

50 And I thought you might be interested to

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1 know that we've had these declaration forms that we're
2 required to use for exports through Canada, and so
3 because of our location, we were busy filling out quite a
4 few of those this fall, and that's out of state hunters.
5 There were 27 for moose, 15 for caribou, and five for
6 dall sheep thus far.

7

8 In Northway we did a lot of hazard
9 reduction and thinning, and we were able to do as we told
10 you that we would when you met last time. We were able
11 to hire two crews from Northway Village, and they've
12 completed 60 acres of thinning to reduce fire hazard
13 around the village residences and school. And it's being
14 carried on now to the Port Alcan border. And the
15 Northway crew initially was given a contract that was an
16 assisted grant, and assisted work. But this new contract
17 that they have with Port Alcan, they're more like
18 independent contractors, and so this is kind of the
19 training ground for them to be able to bid for other
20 contracts in other places, so that's worked out really
21 well, and Northway seemed to be very happy with the
22 results and we've got two crews on that have worked year
23 round. The primary firefighting crew were available to
24 take fire calls, and then they trained younger people to
25 fill in when they were gone, and so that resulted in the
26 two crews, one in Northway and one up at Port Alcan, and
27 the Port Alcan crew is hoping to work into November, so
28 that's what's going on with them.

29

30 As you already know our TEK fisheries
31 proposal was not recommended for funding this cycle, and
32 Polly and I have discussed that. And so what we will do
33 is revise it and resubmit it, and we'd sure appreciate
34 your support for it next cycle. We were actually had the
35 highest rated proposal in Region 7 with that very
36 proposal. I submitted it as I told you I would last year
37 to the U.S. Fish and Wildlife Service under a challenge
38 cost share proposal, and so we were able to go ahead and
39 do a lot of the interviewing, and the student who's now a
40 college graduate and working on her master's degree,
41 she's spent the whole summer divided between Randy
42 Brown's study and my study. And so we did some
43 interviewing, and then she went out with Randy and did
44 some of the science. And her thesis will be how the two
45 complement one another. And so we're working on it in
46 spite of it's not being funded, and still have -- I'm
47 working with transcribing and have a little money to go
48 ahead and continue the interviews, so that's what we're
49 going to do.

50

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1 And that concludes my report. Any
2 questions at all? Thank you.

3

4 CHAIRMAN NICHOLIA: Thanks. Who's next,
5 Donald.

6

7 MR. MIKE: National Park Service.

8

9 MR. TWITCHELL: Mr. Chair, Council
10 members, I'm Hollis Twitchell. I'm with Denali National
11 Park and Preserve, and I have four items that I'd like to
12 mention to you as they have potential ramifications to
13 subsistence use in this particular region and the Park as
14 well.

15

16 One of them I would suggest may have
17 something that you would choose to respond to, and that
18 would be the first topic. The Alaska Board of Game
19 established a special session starting tomorrow and
20 running through Friday in Anchorage to hear three
21 proposals, actually four proposals. Three of them deal
22 with wolves around the exterior boundary of Denali.
23 These three proposals were advanced by the Alaska
24 Wildlife Alliance. Their first proposal asked for
25 eliminating the sunset clause of the existing Board of
26 Game closure on the north side of Denali. A second
27 proposal asks for an expansion of that existing closure
28 by another 89 miles. And their third proposal asks for
29 an additional 146 square miles on the eastern flank of
30 Denali.

31

32 CHAIRMAN NICHOLIA: Excuse me, Hollis.

33

34 MR. TWITCHELL: Yes.

35

36 CHAIRMAN NICHOLIA: This is the same Paul
37 Johnson that we're dealing with?

38

39 MR. TWITCHELL: That's correct.

40

41 CHAIRMAN NICHOLIA: Well, right now we
42 ain't going to support his proposals.

43

44 MR. TWITCHELL: Excuse me, I didn't hear?

45

46 CHAIRMAN NICHOLIA: I'd like to hear it
47 though.

48

49 MR. TWITCHELL: Okay. So those proposals
50 are all being heard in Anchorage in the next couple of

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1 days. And I mention this to you only if you choose to
2 respond in some form or manner to the Board of Game.
3 These buffer zone areas are all external to Denali
4 National Park along the peripheries of the Park's
5 boundaries. And for the most part don't effect the
6 Denali subsistence users very much. I do have harvest
7 information and biological information that I can give
8 you if you're interested in it. The harvest information
9 was gather by Don Young, ADF&G, and I have other
10 biological information that comes from our research
11 biologist who deal with the Denali wolf packs, and I also
12 could tell you the NPS' position if you're interested in
13 those. So I guess I'll just take the lead from the
14 Council on how much you want to hear at this point.

15

16 MS. ENTSMINGER: Does he have a handout?

17

18 CHAIRMAN NICHOLIA: You have no handouts?

19

20 MR. TWITCHELL: No, I don't have a
21 handout here.

22

23 CHAIRMAN NICHOLIA: What's your position
24 on these wildlife proposal by the Alliance?

25

26 MR. TWITCHELL: Well, the Park Service
27 position has been all along for quite a number of years
28 has been pretty much neutral on the proposals. Unless
29 the Board of Game chooses to manage for viewable wildlife
30 values. The Park's position is that we have a natural
31 and healthy population of wolves in Denali, and as such
32 we meet our legal requirements by ANILCA to manage for
33 that standard. We also have management policies that go
34 beyond just the law in terms of biological information
35 that addresses recreational use, and viewing wildlife is
36 considered a recreational use, so there is a mission
37 factor that the Park Service has to try to enhance those
38 opportunities. There isn't anything that is necessary in
39 terms of wildlife management by the NPS or the state of
40 Alaska in order to maintain the biological status or
41 health of these wolf populations in the area.

42

43 If the Board of Game chooses to set aside
44 some areas on state lands to manage for viewable wildlife
45 values, then the Park Service would be in support of
46 that. But as such, the Park Service is not the one
47 initiating the requests for these proposals, and we
48 recognize that we are in a partnership situation with our
49 neighbors and our users and our groups, and if the Board
50 of Game chooses to manage for those values, then the Park

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1 Service would certainly be in support of that.

2

3 CHAIRMAN NICHOLIA: But ain't you guys
4 supposed to provide for subsistence activities overseeing
5 Denali Park or Preserve?

6

7 MR. TWITCHELL: I missed that again,
8 Gerald?

9

10 CHAIRMAN NICHOLIA: Ain't you guys
11 mandated by ANILCA to provide for some substance
12 activities such as trapping and hunting in Denali Park?

13

14 MR. TWITCHELL: That is correct. And our
15 position.....

16

17 CHAIRMAN NICHOLIA: Then why are you guys
18 going to support Paul Johnson and his alliance to create
19 and continue to create buffer zones for his pets or so-
20 called, I'll call them, because I've dealt with this man
21 before.

22

23 MR. TWITCHELL: It's not the Park Service
24 position to establish these zones, or even to maintain
25 them, but if the Board of Game chooses to do that for
26 whatever values they choose to manage it for, then the
27 Park Service would support that. But the situation
28 within the Park is quite a different matter where ANILCA
29 gives us very clear mandates that we are to provide an
30 opportunity for traditional subsistence users to use park
31 resources, and as such as long as the populations are
32 natural and healthy, we provide for that. And that is
33 why the Park Service has taken a very strong position
34 against any reduction in the opportunity to take wolves
35 within the Park boundaries. That was our position
36 several years ago in proposals that were advanced through
37 the Federal program to try to reduce that opportunity.

38

39 CHAIRMAN NICHOLIA: And how well do you
40 guys listen to local advisory committees, such as the
41 Nenana one?

42

43 MR. TWITCHELL: We listen to them very
44 closely. The Denali Subsistence Resource Commission is
45 our primary advisory group to subsistence activities
46 within the Park. We've had very detailed presentations
47 to the Commission by research biologists, by
48 conservationists and by others in terms of the situation
49 in Denali. The Commission has taken the position
50 opposing any reduction in subsistence opportunity within

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1 the Park. They also had spoken out two years ago to the
2 Board of Game opposing the establishment of any buffer
3 zones outside of the Park boundaries on adjacent state
4 lands. And their reasonings for that was that there is
5 what they view a natural population, natural and healthy
6 population of wolves in Denali. They perceive greater
7 threats to wolves and the wolf population as the result
8 of development of new roads and communities and loss of
9 habitat, and that was their position to the Board of
10 Game.

11

12 CHAIRMAN NICHOLIA: You guys have any
13 questions for him? Go ahead.

14

15 MS. ENTSMINGER: I guess this isn't a
16 question for him. I support your view on -- I'm against
17 any type of buffer zones around parks, because I think
18 it's precedent setting, and I don't think that that is
19 anything that should be happening in the State. We've
20 lost enough management as State, and so.....

21

22 CHAIRMAN NICHOLIA: My point, my view
23 about it is why worry about animals I'm wondering, and so
24 -- there's a human race that's really starving out there.
25 How come this wildlife alliance don't back up those
26 humans and waste all their money on the animals.

27

28 MR. TWITCHELL: Well, I would encourage
29 you then if you have an interest or desire to advance any
30 comments to the Board of Game that that's something you
31 may choose to do. The Southcentral Council last week
32 choose to write a letter on behalf of the Council and
33 advance it to the Board, raising their concerns about
34 potential loss of opportunity for rural users.

35

36 CHAIRMAN NICHOLIA: Any more questions?

37

38 MR. TWITCHELL: I guess the last thing
39 that I would say is that harvest levels are quite low in
40 terms of in the Denali area, and the information
41 presented by Don Young in terms of the State sealing
42 records for these proposed buffer zone areas has
43 indicated in 1997 within these proposed buffer zone areas
44 there was one wolf harvested. In 1998 there were two
45 harvested. In 1999 there were four. In 2000 there were
46 eight, and in 2001 it dropped back down to five wolves.
47 So an average for that period of time has been about 5.6
48 wolves annually coming from these proposed buffer zone
49 areas. The number of trappers that are involved, hunter
50 and trappers, there was one hunter and trapper who took a

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1 wolf in '97, two hunters and trappers in '98 and '99, and
2 three hunters and trappers in 2000 and 2001.

3

4 The Park Service's information on wolves
5 that we monitor in our packs indicate a harvest rate of
6 about three percent of the population annually, which is
7 not a concern to ourselves. Other harvest on adjacent
8 areas, it comes up to about five percent of the
9 recruitment. And again that is considered a very low
10 harvest rate for the wolf.

11

12 That's all I had to offer.

13

14 Moving on, I have a second item that is a
15 concern to the Commission. It involves a petition by the
16 Alaska Big Game Guiding Association to make one of the
17 north preserve area within Denali open to commercial
18 hunting/ guiding activities. Currently Denali has two
19 big game guides operating in our southern preserve, and
20 the request has come in to provide a big game guide in
21 our northern preserve. The northern preserve is the area
22 up around Lake Minchumina within this region, 20(C).
23 Meetings that I've had with the community a couple weeks
24 ago, there's very strong opposition to bringing in a
25 guiding faction into the northern preserve which is an
26 area utilized by the Lake Minchumina community.

27

28 The response that the Alaska Guiding
29 Association advanced for the request that they advanced
30 came about because the Park Service is involved in what's
31 called a back country management planning effort. And
32 they have requested that this guiding opportunity be
33 included within this back country management planning for
34 consideration. As such, the Park Service has agreed to
35 put that alternative, we have four alternatives in the
36 back country management plan, so that will be one of the
37 provisions that will be out for public review and comment
38 in November when this plan goes public.

39

40 The preferred alternative that's being
41 developed that the Park Service supports does not include
42 guiding in this northern preserve as a component, because
43 of the fairly high subsistence use that the Lake
44 Minchumina community has, and also the fact of the
45 relatively low moose densities and populations of
46 wildlife in that 20(C) area.

47

48 A third thing to mention is that the
49 harvest assessments that we are doing with conjunction of
50 the tribal councils and the ADF&G Subsistence Division in

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1 Nikolai, Talida and Lake Minchumina are under way. Our
2 staff are working in Nikolai now with individuals we've
3 hired from the tribal council, as well as with the State
4 researchers. They'll be finishing up Nikolai this week,
5 and moving over to Lake Minchumina by the end of this
6 month.

7

8 We are also working on another factor,
9 which is the historical fisheries TEK. The Denali
10 Subsistence Resource Commission has recommended a number
11 of years ago that we have a significant lack of
12 historical data on historical data on traditional
13 fisheries in the upper Kuskokwim and in the Denali area,
14 and they recommended that work be done in this area. We
15 secured funding from the fisheries program several years
16 ago and so this effort is just finishing up now. And on
17 behalf of the tribal council from Nikolai, they asked us
18 to come in in the middle part of August for the TEK
19 fisheries work, and they asked us to come back this time
20 of year to finish up the harvest assessment information
21 after the moose-hunting season, so that information will
22 be prepared over this winter, and we should have the
23 information out for you and others by next summer.

24

25 And the fourth and final item was the
26 fact that we've had our third-year involvement now with
27 the Kantishna fall chum salmon stock assessment
28 cooperative agreement in the first two years, with the
29 Commercial Fisheries Division, ADF&G and also funded
30 through the fisheries program, to run recapture fishwheel
31 on the Kantishna River. That's one of three fish wheels
32 that is used for that capture, mark and release/recapture
33 program with the Comm Fish Division. This year we
34 operated as we have every year from August 16th through
35 the 6th of September. The Kantishna wheel recaptured 260
36 chum salmon, 14 of which had radio -- or not radio tags,
37 but mark tags, and 288 coho. Comparing to 2001, this
38 wheel captured 226 chums and nine tags. Compared to
39 2000, the fishwheel recaptured 305 chums and seven tags.
40 So we see the numbers going from 305 to 226 to 260 through
41 the three cycle. Coho on the other hand shows a
42 diminishing recapture rate. 586 coho in 2000. 426 coho
43 in 2001. And 288 coho in 2002. And, of course, the data
44 from all of this work is being compiled and worked up by
45 Pete Cleary from the Comm Fish Division.

46

47 And we don't have the run numbers
48 estimates for the Kantishna River drainage this year.
49 Last year the Kantishna system was estimated at 37,425 in
50 2001. The 2000 run component was estimated at 21,104.

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1 And I'm sure Pete will have the fall data available for
2 you by your winter meeting.

3

4 That concludes what I had for you.

5

6 MS. ENTSMINGER: I wanted to go back to
7 the guide on the north side there. Under this system
8 that you're recommending not to have a guide in that
9 area, would that be a done deal, or would that be able to
10 come up again?

11

12 MR. TWITCHELL: The back country
13 management planning process, the draft plan will come out
14 for public review and comment sometime in early November.
15 And it will be open for quite a long period of time,
16 because there's quite a bit of controversy involved here
17 with snow machine issues and mountaineering, aircraft
18 access, and quite a number of fairly exciting topics. So
19 I'm sure it's going to have a pretty long public comment
20 period.

21

22 MS. ENTSMINGER: Yeah, but once that
23 project is completed, that isn't something that can be
24 readily changed in the future?

25

26 MR. TWITCHELL: It's something that would
27 probably be looked at very carefully. What has
28 transpired in Denali is when the park units were
29 expanded, we incorporated the exclusive guiding areas
30 that were existing in Denali at the time, in which case
31 there were three exclusive guiding areas, all operating
32 in our southern preserve. There were no guides
33 interested in operating in the northern preserve for
34 reasons I just described. Very low densities of wildlife
35 and not much opportunity. And so the guiding activity
36 was associated up in the Alaska Range, and in the
37 southern flanks of the Alaska Range in the southern
38 preserve.

39

40 When the Kenny Osachek (ph) went through
41 and the exclusive guiding areas were rules
42 unconstitutional, the Park Service grandfathered in those
43 existing guides and continued to have them operate under
44 business use license.

45

46 MS. ENTSMINGER: Yeah, I'm aware of that.

47

48 MR. TWITCHELL: And so right now our
49 guiding activity is all focused in our southern preserve
50 where we have had the historical guiding activity.

00098

1 MS. ENTSMINGER: Uh-huh. I guess the
2 concern I would have is, you know, even rural residents,
3 somebody in the Minchumina area if game populations
4 became more abundant, they might be interested in doing
5 some guiding in there, and I wouldn't want to be closing
6 doors if there would someday be an opportunity, if you're
7 hearing what I'm saying?

8

9 MR. TWITCHELL: Yeah. Well, that's why I
10 held a meeting with the local community two weeks to
11 first of all let them know that this request had come in
12 and it was being considered for the back country
13 management plan, and the community was unanimously, other
14 than the one individual present, opposed to it. And that
15 individual also has expressed his reservations and asked
16 that a hearing be held in Lake Minchumina once the public
17 process, hearing process starts. So the Park Service
18 will be meeting with the community as a whole sometime
19 after November, and the community will have a chance to
20 voice its concerns at that time.

21

22 MS. ENTSMINGER: Okay. Yeah. As a
23 Council member, I think it's important when there might
24 be some types of opportunities that we don't completely
25 close doors, because it might not be in competition with
26 subsistence use. Yeah.

27

28 And also, I would like to have a copy of
29 the data on the wolves if I may?

30

31 MR. TWITCHELL: Okay. Yes, I have
32 another printout of this in terms of Don Young's
33 information.

34

35 MS. ENTSMINGER: Right. Thank you.

36

37 CHAIRMAN NICHOLIA: Is there anyway that
38 we could comment on this proposed buffer zone, buffer
39 zone for wolves or is it already too late?

40

41 MR. TWITCHELL: Well, certainly if you
42 chose to take a position and passed a motion, then
43 someone could offer a letter. It could be faxed down to
44 Anchorage and presented during the public testimony
45 hearing. I'm sure that's what Southcentral's intending
46 to do.

47

48 MS. ENTSMINGER: Can you do that?

49

50 MR. MIKE: (Indiscernible) wrote the

00099

1 letter and.....

2

3 MS. ENTSMINGER: And that you present it.

4

5 MR. MIKE: I can type the letter from the
6 Council to the Board of Game.

7

8 MS. ENTSMINGER: It seems like it might
9 be important that you present it also in person. Yeah.

10

11 MR. MIKE: You guys might do that.

12

13 MS. WAGGONER: Would you like to do that,
14 Virgil?

15

16 MR. UMPHENOUR: Certainly.

17

18 CHAIRMAN NICHOLIA: We need a motion,
19 second and question.

20

21 MS. WAGGONER: Okay. I move that we have
22 donald draft a letter and present the Board's position to
23 the Board of Game that we oppose both buffer zones.

24

25 MS. ENTSMINGER: All three proposals.

26

27 MS. WAGGONER: All three proposals. So
28 we want the sunset clause -- or we want the current
29 buffer zone to go away, and no new buffer zones. Right?

30

31 MS. ENTSMINGER: Roger.

32

33 MR. UMPHENOUR: Well, we oppose the
34 buffer zones.

35

36 MS. WAGGONER: Oppose the buffer zones.

37

38 MR. UMPHENOUR: They want to do away with
39 the sunset clause which would mean the regulation would
40 expire. If you did away with the sunset clause, that
41 means that the buffer zone would stay I think. I assume
42 that's what it means, right?

43

44 CHAIRMAN NICHOLIA: Yeah.

45

46 MS. WAGGONER: Yeah.

47

48 MS. ENTSMINGER: Yeah, we don't want the
49 buffer zone there.

50

00100

1 MS. WAGGONER: Make it simple. No buffer
2 zones.

3
4 MS. ENTSMINGER: No buffer zones.
5

6 MS. WAGGONER: Any time.

7
8 MS. ENTSMINGER: Yeah.
9

10 MR. TWITCHELL: The proposal -- the first
11 proposal is to do away with the sunset clause. The
12 existing sunset clause has.....

13
14 CHAIRMAN NICHOLIA: Oppose all three
15 proposals.

16
17 MR. TWITCHELL:an expiration of
18 March 2003.

19
20 CHAIRMAN NICHOLIA: We heard it.
21

22 MS. WAGGONER: Okay. Yeah. We oppose
23 all three proposals.

24
25 CHAIRMAN NICHOLIA: That's a move?

26
27 MS. WAGGONER: I move.

28
29 MS. ENTSMINGER: I second it.
30

31 MR. UMPHENOUR: Question.
32

33 CHAIRMAN NICHOLIA: It's been moved,
34 seconded and question. All those in favor signify by
35 saying aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN NICHOLIA: Same sign.

40
41 (No opposing votes.)
42

43 MR. UMPHENOUR: Now, when are they
44 meeting? Right now?

45
46 MR. TWITCHELL: It starts tomorrow
47 morning and runs.....

48
49 MR. UMPHENOUR: And this is a special
50 meeting?

00101

1 CHAIRMAN NICHOLIA: State.

2

3 MR. TWITCHELL: A special session called
4 by the Board of Game to deal with four proposals. Three
5 of these are Denali and another one on moose in Unit.....

6

7 MS. ENTSMINGER: Are they making
8 decisions at this time?

9

10 MR. TWITCHELL: Yes, it's in front of the
11 Board of Game.

12

13 MS. ENTSMINGER: Very interesting. So it
14 must have been properly noticed?

15

16 MR. TWITCHELL: I guess they wanted to
17 hold it up here since it was initially I guess going to
18 be advanced to the session down in Juneau, but since it's
19 so far away, they must have got enough interest or
20 support to hold it in.....

21

22 CHAIRMAN NICHOLIA: Okay. Donald's been
23 so directed.

24

25 MR. MIKE: Mr. Chair, when we develop our
26 agenda for Eastern Interior meeting, the agenda was
27 already tentatively approved by the Chair, and a few
28 weeks after that I received the booklet from the Board of
29 Game on the proposal, and I meant to bring it up as an
30 item, addition. It slipped my mind, I'm sorry about
31 that. But I'll go ahead and draft this letter and send
32 it out to all the Council members.

33

34 CHAIRMAN NICHOLIA: Thank you. What
35 comes next?

36

37 MR. UMPHENOUR: Maybe we could take a
38 break.

39

40 CHAIRMAN NICHOLIA: Yeah. Take a break.

41

42 MS. ENTSMINGER: What do we have left to
43 do?

44

45 CHAIRMAN NICHOLIA: Hmm?

46

47 MS. ENTSMINGER: What have we got left to
48 do?

49

50 CHAIRMAN NICHOLIA: What have we got left

00102

1 to do, Donald?

2

3 MR. MIKE: I guess any other National
4 Park Service reports. We can get into the Chair's
5 reports under Tab B. It will go real quick. And then we
6 have one final agency report from OSM on meeting
7 locations.

8

9 CHAIRMAN NICHOLIA: Okay. No problem.

10

11 (Off record)

12

13 (On record)

14

15 CHAIRMAN NICHOLIA: I'd like to
16 reconvene. Okay. Donald, who have we got next?

17

18 MR. MIKE: We have the National Park
19 Service, Clarence Summers wanted to address the Council.
20 Clarence Summers.

21

22 MR. SUMMERS: Certainly. Excuse me, I
23 need to get something. I thought it was here. Now I
24 feel better. I've got two items actually. I'm Clarence
25 Summers. I'm with the National Park Service. I work in
26 the Anchorage Office, Environmental Resources. I also
27 work with some of the Subsistence Resource Commissions.
28 There are seven total, so.

29

30 I've got one item for Wrangell/St. Elias.
31 Unfortunately, Devi Sharp couldn't make the meeting. And
32 earlier you received comments from the SRC, the
33 Subsistence Resource Commission, for Wrangell-St. Elias
34 on proposals. They recently had a meeting in Tok, and
35 the proposal positions that you received were products of
36 that meeting.

37

38 There was one other item. There was a
39 rulemaking, a final regulation, that affected several
40 communities in the upper Tanana region, more specifically
41 the community of Dot Lake, Healy Lake, Northway,
42 Tanacross, and Tetlin were added to the Park resident
43 zone. The residents of the resident zone communities
44 have a special privilege to engage in subsistence
45 activities in the Park without a subsistence permit.
46 Prior to the addition of the communities that I
47 mentioned, there was a total of 18. And that's one of
48 the most -- yeah, that's the first change in regulation
49 affecting the resident zone communities as far as adding
50 communities since the Park Service established such a

00103

1 program. And currently we're working with the
2 communities to provide them with information on our SRC
3 program.

4

5 Chuck Miller currently serves on the SRC.
6 He's a representative, you're familiar with Chuck. He
7 lives in Dot Lake, and so he facilitated a community
8 meeting about a week ago where we met with
9 representatives from a few of the communities, the
10 affected communities.

11

12 The plan also is to hopefully meeting in
13 Tazlina. There's a proposed meeting of the SRC in
14 Tazlina to continue the dialogue with the new affected
15 communities, and this is coordinated by the
16 superintendent that serves as the liaison for the
17 Subsistence Resource Commission. Devi Sharp serves as
18 the resource coordinator. And so this meeting is planned
19 I believe in February and I'll make a personal effort to
20 make sure that this Regional Council is kept informed of
21 the activities and you're more than welcome. It's a
22 public event. These meetings are FACA meetings. They're
23 under the Federal Advisory Committee Act. And I'll also
24 make sure that your names are added to the distribution
25 list for the information that's produced at such
26 meetings.

27

28 Prior to this, we've attempted to rely
29 long the coordinators to provide at least updates and
30 information, but we'll try to improve upon this by using
31 electronic means to get you information, reports, et
32 cetera, that are generated such meetings.]

33

34 Any questions? Okay.

35

36 And the other item had to do with the
37 status of SRC appointments. Did Hollis cover the Denali
38 SRC appointment? Okay. Well, I'll reserve that right
39 for him.

40

41 But I will mention that Chuck Miller who
42 currently serves on the Wrangell/St. Elias SRC, appointed
43 by Eastern Interior Regional Council, his term expires in
44 2003, so the plan will be to work with you to identify
45 either a new appointment, or you have an option to
46 replace Chuck in that position. And normally that person
47 that you appoint, regulations require that person be a
48 subsistence user. That means an NPS-eligible user or
49 resident of a resident zone communities or a 1344 permit,
50 that's a special permit that the superintendent issues,

00104

1 that that person either serve on a local advisory
2 committee, or on a Regional Council in the affected area.
3 In this case it would be this Council, the Eastern
4 Interior Regional Council. And if you're not familiar
5 with the guidelines, I'll be available to provide you
6 with that information any time.

7

8 And that's all that I have to share. Any
9 additional comments or concerns? Thank you.

10

11 CHAIRMAN NICHOLIA: So we'll bring that
12 replace Chuck Miller, could we replace Chuck Miller with
13 Chuck Miller again?

14

15 MR. SUMMERS: He serves at your pleasure,
16 Mr. Chairman, and so you're in a position to, like I
17 said, replace him or to make a new appointment. Donald's
18 very familiar with the process. He coordinated the
19 Commission at Wrangell/St. Elias. He served as a
20 commission coordinator for the National Park Service.
21 He's very familiar with the process. I'm sure Donald
22 will work with you to clarify any points that you may
23 have regarding appointments.

24

25 CHAIRMAN NICHOLIA: I think we'll deal
26 with that at our next meeting.

27

28 MR. SUMMERS: Certainly. Thank you.

29

30 CHAIRMAN NICHOLIA: Uh-huh. Who's next,
31 Donald?

32

33 MR. MIKE: Mr. Chair, one last agency
34 report is to do with meeting locations, but that would be
35 Mr. Don Rivard. He's not here. The other agenda item is
36 the Chair's report under Tab B. It would be up to the
37 Council Chair if he wants to go over item by item, but
38 under Chair's report under Tab B we have the Regional
39 Advisory Council Chairs meeting which occurred May of
40 2002, Council Chairs and Federal Subsistence Board
41 meeting May 2002. And the Federal Subsistence Board
42 meeting itself during that same month in May. The 805(c)
43 letter that is a reporting requirement of whatever the
44 Board took action on, they have to report back to the
45 Regional Council on the actions they've taken of fish or
46 wildlife proposals. And the next item would be the
47 annual report responses, and correspondence sent and
48 received, and the last item is Council members report and
49 sharing of concerns and topics. It would be up to the
50 Chair of how you want to go about dealing with those

00105

1 individual or just if you want me, I can just answer
2 questions, or I can go over each item. It's up to you,
3 Mr. Chair.

4

5 CHAIRMAN NICHOLIA: Well, I think my
6 Council members read that Chairs meeting deal, and I was
7 there both days, and it doesn't reflect that. It says
8 Gerald Nicholia, Eastern Interior absent on the first
9 day. I was there, I was just sitting behind Grace Cross
10 in the corner of that building.

11

12 MR. MIKE: Which one is that, Mr. Chair?

13

14 CHAIRMAN NICHOLIA: That first one,
15 Chairs Council meeting, May 12th, 2002. I was there.

16

17 MR. MIKE: Okay.

18

19 CHAIRMAN NICHOLIA: Make that correction
20 as well. It's pretty much what went over the past year.
21 Subject Customary trade, went over that. And it was
22 mostly Grace's deal. She wanted to be staying in a safe
23 place, not the Day's Inn or whatever down there.

24

25 We supported local Regional Advisory
26 Council compensation. We want to get more than we're
27 getting now, which is peanuts.

28

29 Computers for Chairs. I like the idea,
30 but I don't think it will happen.

31

32 And we always advocate, this Council
33 always advocates for both the State and Federal staff be
34 here when we are making deliberations, because if we're
35 dealing with dual management, we want both agencies here.

36

37 We mostly had to deal with the Federal
38 FACA deal the second day.

39

40 The next most important item I see is
41 that letter -- what's that meeting with the North Pacific
42 Fisheries Management Council? It's sometime in December.
43 An update on, I know it's between me, Harry Wilde and Ron
44 Sam.

45

46 MR. MIKE: That was followed by
47 resolutions from last fall, the previous fall or last
48 winter. And the meeting's going to be happening in
49 November with the Council Chairs and North Pacific
50 Management Council, just to go over information that the

00106

1 Council requested. And we should get more further
2 details, and I'll let everybody know. It's just a
3 formalities to follow up on the resolution. And the
4 follow up is to meet with Council Chairs on the by-catch
5 issues I think.

6

7 CHAIRMAN NICHOLIA: Other than that, I've
8 been pretty active on all our issues and stuff that we've
9 been dealing with. It's been a lot over this past year,
10 mostly dealing with fisheries, the Customary Trade
11 Working Group, subsistence use amount, and I've have been
12 very involved with Bill Thomas, Harry Wilde, Lester
13 Wilde, Bert Griest is not here any more. Harry Brower's
14 pretty good guy to work with on that subsistence use
15 amount deal from the North Slope. He wasn't very vocal,
16 but it does take a while.

17

18 From my personal point of view for this
19 Council, I wish we'd have full representation one of
20 these times in one of these years. This is the most I've
21 had in a meeting in three years I think as Council
22 members. That's all I have to say.

23

24 MR. MIKE: Well, Mr. Chair, if the rest
25 of the Council members have any particular questions on
26 each item, I can try to answer them. If not, Don
27 Rivard's on his way to discuss -- oh, there he is. But
28 on the Chair's report, is there any particular questions
29 that the Council has I can answer? Mr. Chair, if there's
30 no questions, we an move on to Don Rivard, and he can
31 talk on the new meeting locations.

32

33 CHAIRMAN NICHOLIA: I'm waiting for Virg
34 to move on. Okay. Go ahead, Don.

35

36 MR. RIVARD: Thank you, Mr. Chair.
37 Before I start, I'd just like to thank you personally for
38 being flexible and allowing us to have the Western
39 Interior meet at same time, and for the Council members
40 to participate and cooperate with that as well. That
41 really helped all of us out by you giving the go-ahead
42 for that, Gerald, so I just really appreciate it and
43 thank you very much for happened.

44

45 This is a briefing on the Regional
46 Council meetings, and kind of some of the things that our
47 office has been contemplating for a while. I'll refer
48 you to Tab H, page 201 in your book. In late August you
49 may recall that Tom Boyd, the head of our office sent
50 every Council member a letter talking about this Regional

00107

1 Council meeting locations, and I just wanted to give you
2 a briefing on that before you deliberate on where your
3 next couple of meetings are going to be, and when and
4 where. If you see that letter in front of you, just to
5 kind of refresh your memory. After reviewing the letter
6 with staff, OSM leadership realized that the letter does
7 not provide sufficient background for the reader as to
8 why we believe these concerns have reach such a level of
9 importance. We express the concerns in the letter there.
10

11 As you are aware, our program staff and
12 responsibilities have increased dramatically since
13 October 1st, 1999 when we expanded into the fisheries
14 management area. As a result we have seen increased
15 needs for communications with the Councils. We are now
16 working regularly with new organizations for the past
17 couple of years, like YRDFA and the National Marine
18 Fishery Service. Also new members of the public, sport
19 fishers, commercial fishers, transporters and guides, and
20 even our long-time working relationship with the ADF&G
21 has changed dramatically as we now work with two
22 additional divisions, Sports Fish and Commercial
23 Fisheries. All this is to say that there are now many
24 more now many more stakeholders with direct and
25 legitimate interests to be considered as we move through
26 the subsistence management decision making processes.
27

28 The concerns of the Council meeting
29 locations and that evolve around giving the public and
30 agency staff adequate access to the cornerstone of our
31 process, the Regional Advisory Council meetings.
32

33 Tom Boyd's letter lays out all the
34 concerns that have been brought to our attention, and we
35 suggest at some ways in which we can respond. Tom really
36 wants a collaborative approach on resolving these
37 concerns. Specifically we see the need to carefully
38 evaluate our travel to smaller communities. Having the
39 meetings in hub areas makes it easier and less expensive
40 for everyone who must travel to meetings, including
41 staff, Council members and the public. When local issues
42 of concern arrive affecting a single village, additional
43 meetings can be held in the affected village with the
44 Council Chair and at least one other Council member as
45 well as necessary staff to address the situation. On
46 occasion the issues may be significant enough to hold the
47 Regional Council meeting in a particular smaller
48 community where it is important to interact directly with
49 the residents.
50

00108

1 In most instances, however, issues are
2 more broadly based than one community, so how can we best
3 consider the interests of all the residents of those
4 communities? Regional staff, and that means Donald --
5 well, Donald is an exception, because he's just dealing
6 with your Council, but people like Pete DeMatteo, George
7 Sherrod, Tom Kron, Jerry Berg, all those folks are
8 handling three of the Councils. They're staff to your
9 Council, they're staff to Western Interior, and they're
10 staff to Y-K. Therefore, more than one Council meeting
11 per week resulting in overlap or back-to-back meetings
12 can create these staffing problems. We have always
13 sought to do our best to serve the Councils. Similarly
14 we know it is important to you to have the technical
15 support you need to be effective.

16
17 With the additional fisheries
18 responsibilities and decisions to be made, there is a
19 larger audience that wants to work directly with you.
20 How can we assure that the staff support you need is able
21 to attend your meeting and then other agency staff who
22 want to serve you are also able to participate? One way
23 to prevent conflicts may be to plan out the meetings one
24 year in advance. This fall we are asking each Council to
25 indicate their desired dates for not only your next
26 meeting but for a year from now so we can discuss
27 apparent conflicts with the Councils at your next
28 meeting. So again, what we're asking is you set your
29 time and location for this spring, February or March, and
30 also at this meeting now you let us know your preferences
31 for where and when you want to meet a year from now.

32
33 Some regions are not likely to be
34 affected by this letter. In those cases meetings are
35 generally being held in regional hubs. In some regions
36 Council chairs and other Council members have elected to
37 visit villages to hear specific concerns and report back
38 to their full Council at the next public meeting. Still
39 other in other regions selected locations have not raised
40 the concerns expressed in Tom's letter due to the ease of
41 access such as they're road connected and the presence of
42 commercial facilities.

43
44 We may conclude that solutions are
45 somewhat dependent on the region. For example, Western
46 Interior doesn't have a regional hub.

47
48 In closing, I ask you to carefully
49 consider these concerns as they apply to your region and
50 offer Tom Boyd some advice on how to serve the Councils

00109

1 and the users better. Thank you. That ends the briefing
2 I had.

3

4 And this directly affected your council
5 this time around. As you know, you were scheduled to
6 meet in Beaver this meeting originally, and following
7 your meeting, Y-K was scheduled to meet in Chevak, and
8 that created a lot of problems as far as not only staff
9 getting there, but also other members of other agencies
10 and the public that may have wanted to attend both of
11 those meetings. When they were switched to Fairbanks and
12 Bethel, that just eased everything, because we could get
13 there. Like a lot of us are leaving here today, we'll be
14 in Bethel tomorrow morning by 7:30 to start the meeting
15 there at 9:00. So this was just a good example of why we
16 needed to do some of these things. Thank you, Mr. Chair.

17

18 CHAIRMAN NICHOLIA: Are there any
19 questions? It's pretty much self-explanatory. I sure
20 hate to cut out our villages that we represent. I don't
21 see very much village people here in Fairbanks that are
22 really subsistence users up in the Yukon Flats where
23 these regulations are effective. And I'm sure a lot of
24 village people like to see this Regional Council move
25 around in the Eastern Interior. I mean, if it's so hard
26 on OSM staff and other agencies, there's just nothing
27 much else we can do.

28

29 MR. RIVARD: Well, I think one of the
30 things you can do, I mean, we're asking you guys to
31 consider having your meetings more in regional hubs.
32 That doesn't mean you can't propose other places. And
33 especially for the year out meetings that what we can do
34 it -- we're dealing with 10 councils at once. And we'll
35 have the big picture. Donald has this right now. Do you
36 want to show that? Do you want to pass that around,
37 Donald? This is showing, we already know where most
38 meetings are going to be held for the next round. And I
39 just show you this as how this works. We keep track of
40 where everybody's going to be held and what weeks. And
41 you are still independent of what you see here, you can
42 still now set your time and location for your next
43 meeting. But what happened this time around, this time
44 period, we had four meetings in one week and three
45 meetings in another out of the 10 Councils. Seven of
46 them are meeting in a two-week period. And what we want
47 to do by going a year out is if we see that kind of
48 scenario for a year from now, we'll come back to the
49 Councils in the spring when you have your spring meeting
50 and we'll say, this what the reality is. Can we adjust

00110

1 these dates or locations. Okay. So it's just giving us
2 a chance to plan better, and make sure that staff that
3 serve your Council as well as others can get to all the
4 meetings they need to get to as well.

5
6 CHAIRMAN NICHOLIA: But ain't we
7 compromising serving the people that we represent?

8
9 MR. RIVARD: No, I don't think so. I
10 mean, I understand the reasons why you would want to go
11 to the smaller villages, and I think that would make
12 sense. This is my personal opinion now. That would make
13 sense if there's a real hot issue that affects a village
14 or a couple, three villages that are near by. You'd want
15 to go and you'd want to give people the opportunity. I
16 think, for example, and I'm just -- I'm making some
17 assumptions here, but I would say that if somebody from
18 Nulato wanted to attend your meeting this time around
19 that was going to be held in Beaver, they might be more
20 willing and able to come to Fairbanks for that meeting,
21 and it would be less expensive for them, but that extra
22 trip out to Beaver and back adds an additional burden to
23 those folks that want to come to your Eastern Interior
24 meeting. And assuming they don't know anybody in Beaver,
25 then they also have to figure out where they're going to
26 say. See, we do this all for Staff, and especially your
27 Council coordinator, takes care of all those logistical
28 things for Staff and for the Council members. But if
29 you've got members of the public that want to attend,
30 they're likely to be, I think, this is again my personal
31 opinion, I think they're more likely to be able to come
32 to Fairbanks because they probably also have other
33 business they need to take care of here. But it's more
34 problematic for somebody from one small village trying to
35 get attendance at a meeting in another small village that
36 may be on the other side of the region.

37
38 CHAIRMAN NICHOLIA: Go ahead, Tricia.

39
40 MS. WAGGONER: Let's see. I guess in my
41 looking at this, to give you guys a perspective, I deal
42 with 53 villages in Alaska, and 14 First Nations in
43 Canada in my job. I know what it's like to travel and
44 back to back. As I told Tom earlier, I did nine villages
45 in nine days from Eagle to Emmonak, including the Koyukuk
46 River. It's difficult. It's hard. But these are the
47 jobs that you have chose and that I have chose, and that
48 comes with the territory. I think we need to be in the
49 villages, not only for the Council and the biologists to
50 hear the concerns of the villages, but also for you to be

00111

1 able to relay your information to community members in
2 the villages. By holding these meetings in Fairbanks and
3 Anchorage and Bethel or wherever, you're limiting that
4 two-way dialogue that's available in the community.

5
6 In looking at this, you know, it's
7 easier, it's less expensive. You know, travel in small
8 planes and safety issues, Gerald flew in a small plane to
9 get here. Sue and I are driving through a snow storm to
10 get home tonight, you know. We deal with the exact
11 issues as Council members, and I'm sorry, this really
12 upset me in that we selected Beaver at Paul's invitation
13 in February. You guys had the meeting schedule by March.
14 In August we got the call that it was changed to
15 Fairbanks. It was suggested to maybe move it to Nenana,
16 which is a village that this Council represents and has
17 not had a meeting in, and that was also denied for
18 whatever reason. I think, you know, I agree with Gerald,
19 we will not be serving the subsistence users by
20 continually holding meetings in hub communities.

21
22 CHAIRMAN NICHOLIA: So these two dates
23 right here, these, the green neon light dates is our
24 window of opportunities for this winter meeting, Donald?
25

26 MR. MIKE: Yeah. The highlighted weeks I
27 highlighted for that meeting, open meeting dates is those
28 meeting that this Council would like to consider, and
29 those weeks would avoid conflicting with those other two
30 Regional Councils that we share staff with.

31
32 CHAIRMAN NICHOLIA: I say we have a
33 meeting in Tanana, because I think we're going to hear
34 from the ILEK (ph) alliance. They're having a meeting in
35 Nenana on March 11th and March 12th, so we could get some
36 people's point of view on this big proposals that's going
37 to come before us next spring I believe that deals with
38 these buffer zones, and that's a hot topic for Nenana,
39 even though there may be two or three trappers there and
40 so many beautiful wolves to look at. But what do you
41 guys think?

42
43 MR. WILDE: I think you're right on.

44
45 MS. WAGGONER: I agree with Nenana.

46
47 MS. ENTSMINGER: Yeah.

48
49 MR. WILDE: Trish said it very good, too.

50

00112

1 CHAIRMAN NICHOLIA: What about you, Virg?

2

3 MR. UMPHENOUR: Nenana's sound with me.

4

5 CHAIRMAN NICHOLIA: That's our first

6 choice.

7

8 MR. RIVARD: What were the dates again?

9

10 CHAIRMAN NICHOLIA: Who, Nenana?

11

12 MS. WAGGONER: What were the dates?

13

14 CHAIRMAN NICHOLIA: I think they're very

15 hospitable. I think they'll take of us better than this

16 place.

17

18 MS. ENTSMINGER: What week he's

19 wondering.

20

21 MR. UMPHENOUR: What dates.

22

23 CHAIRMAN NICHOLIA: March 11th and 12th.

24

25 MS. WAGGONER: Can I offer a second

26 choice if Nenana doesn't work, Healy.

27

28 CHAIRMAN NICHOLIA: What do you think?

29

30 MS. WAGGONER: Uh-huh. It's within the

31 Eastern Interior, and that's where those trappers are.

32 They have hotels, they have restaurants, and you can

33 drive.

34

35 MS. ENTSMINGER: Gerald, if Staff feels

36 that it's such a problem to move people around, has

37 anyone ever considered teleconferencing Staff instead

38 of....

39

40 CHAIRMAN NICHOLIA: I oppose

41 teleconference. I like to deal with people face-to-face,

42 because you don't know if they're smirking at you on the

43 other side or trying to kill you.

44

45 Okay. You want to know about our fall

46 meeting next year. Well, September is out of it.

47

48 MS. WAGGONER: Uh-huh.

49

50 MS. ENTSMINGER: That's right.

00113

1 CHAIRMAN NICHOLIA: Because that's the
2 time we try to provide moose for our families.

3
4 MS. ENTSMINGER: I don't even like the
5 first week of October.

6
7 CHAIRMAN NICHOLIA: But how about like
8 from the 29th to the 3rd? I think that's when it usually
9 gets cold and most of us are already done with moose
10 hunting.

11
12 MS. ENTSMINGER: Maybe. Maybe.

13
14 CHAIRMAN NICHOLIA: The 29th of September
15 to the 3rd. What's going on, Paula?

16
17 MS. WHEELER: Western Interior just
18 tentatively decided on the 30th and the 1st, just for
19 your information.

20
21 CHAIRMAN NICHOLIA: Would it be so bad
22 to.....

23
24 MS. WAGGONER: How about the 9th and 10th
25 of October?

26
27 CHAIRMAN NICHOLIA: It would be like
28 travelling, like we're travelling today.

29
30 MS. WAGGONER: Yeah.

31
32 CHAIRMAN NICHOLIA: I sure hate to cut
33 into people's, I know there's hunters.

34
35 MS. ENTSMINGER: Hunting, because I might
36 be hunting bears.

37
38 MR. UMPHENOUR: Getting too close to the
39 end of September is not good for me or Sue, because we
40 ride. And my moose season ends the 25th, and I have to
41 drive my boat from Huslia back to here.

42
43 MR. WILDE: What about earlier?

44
45 CHAIRMAN NICHOLIA: How about we leave it
46 open for the 6th to the 10th. Would that be good for you
47 two? The 6th through the 10th? We'll just leave those
48 dates open in case that we.....

49
50 MR. WILDE: Why don't we start in August?

00114

1 MS. WAGGONER: October?

2

3 CHAIRMAN NICHOLIA: Uh-huh. October.

4

5 MR. WILDE: Before Labor Day.

6

7 MR. UMPHENOUR: We're sheep hunting in
8 August.

9

10 MS. WAGGONER: Will the first week of
11 October work for you, Virgil?

12

13 MR. WILDE: It's October or nothing.

14

15 MR. UMPHENOUR: Yeah, that first week in
16 October fine with me.

17

18 MS. ENTSMINGER: There's a day or two in
19 August.

20

21 MR. UMPHENOUR: Yeah, I don't mind.

22

23 MS. WAGGONER: No, I can't, not this
24 year.

25

26 (Conversation)

27

28 MS. WAGGONER: I just can't do it the
29 first Thursday. The 2nd's out for me, so.....

30

31 CHAIRMAN NICHOLIA: The 2nd to 9th's out?

32

33 MS. WAGGONER: The first Thursday of
34 every month is out for me.

35

36 CHAIRMAN NICHOLIA: Okay. Looks to be
37 open days from the 6th through the 10th.

38

39 MR. WILDE: 9th and 10th would be.....

40

41 MS. WAGGONER: The 9th and 10th is fine
42 with me. It just can't be on the 2nd.

43

44 MS. ENTSMINGER: The 9th and 10th's good.

45

46 CHAIRMAN NICHOLIA: Uh-huh.

47

48 MR. RIVARD: Location?

49

50 MS. ENTSMINGER: Beaver.

00115

1 MR. WILDE: Beaver.

2

3 CHAIRMAN NICHOLIA: (Indiscernible)

4

5 MS. WAGGONER: Yeah, we do. And if you
6 haven't been to Beaver, it's one nice place.

7

8 MS. ENTSMINGER: Didn't have it in Beaver
9 last time, so.....

10

11 MR. MIKE: So have you determined a
12 location for 2003? Fall 2003?

13

14 CHAIRMAN NICHOLIA: Hmm?

15

16 MR. MIKE: The location again?

17

18 MS. WAGGONER: I suggested Beaver. I
19 don't know if anybody agrees.

20

21 CHAIRMAN NICHOLIA: Well, you've got to
22 think about that hot topic of allocation of fish going up
23 there.

24

25 MS. WAGGONER: That will be fish, and
26 that's on the river.

27

28 CHAIRMAN NICHOLIA: Moose.

29

30 MS. WAGGONER: I would say either Beaver
31 or Tanana.

32

33 CHAIRMAN NICHOLIA: Well, in Tanana there
34 ain't no Federal. They're just totally rambunctious
35 people. Unless you want to see guys get torn up there.

36

37 MS. WAGGONER: Or I mean, if they want to
38 do hub, you know, like Fort Yukon, but that's difficult
39 to do. We could go to Circle Hot Springs again, that
40 was nice. Jim likes those.

41

42 MR. WILDE: They closed.

43

44 MS. WAGGONER: Oh, they did?

45

46 MS. ENTSMINGER: You're kidding.

47

48 MR. WILDE: Next week.

49

50 CHAIRMAN NICHOLIA: Okay. Then we could

00116

1 probably do it in Tanana, but we'll probably hear a rash
2 on fisheries. But it's good to hear them though. Beaver
3 will be first, and Tanana will be the second choice for
4 in 2003 fall meeting.

5
6 MR. UMPHENOUR: The proposal book will be
7 out for the Board of Fisheries by then, because the call
8 for proposals is this coming April 10th.

9
10 MR. MIKE: Mr. Chair, the only other
11 agenda item on the agenda is Council member closing
12 comments. We've already taken care of future meeting
13 plans.

14
15 CHAIRMAN NICHOLIA: Anybody want to say
16 something? Go ahead, Virg.

17
18 MR. UMPHENOUR: I think that we should
19 maybe send a letter to the Federal Subsistence Board
20 pointing out that there's a lot of science that says that
21 hatcheries -- or a lot of scientists and people in
22 science say that hatcheries are detrimental to wild
23 stocks as far as salmon goes, and because of this that
24 all the hatcheries in the State, well, all hatcheries
25 everywhere in the country should have to thermal otolith
26 mark their fish so that when those fish are caught
27 somewhere, they can be determined what hatchery they came
28 from, and to do whatever they can to pressure the State
29 to do that. And not only the State of Alaska, but all of
30 the states, and maybe even Canadian, because Canadian
31 fish come into our waters, too, and they -- no one really
32 knows where all these fish go in the ocean, and so if the
33 thermal -- if they go through this process, they just
34 vary the temperature in the hatcheries, and Mr. Kron can
35 tell you just exactly how they do that, then when they
36 catch fish, they just take their ear bone out, they can
37 look at it. They have a method to do that, and they can
38 tell where that fish came from.

39
40 But I do know that when we got all
41 excited because they caught so many chum salmon in the
42 trawl fishery in the Bering Sea in '93 or '94, that then
43 the NMFS, the laboratory down by Juneau, Auke Bay
44 laboratory, those people sampled the Bering Sea trawl by-
45 catch three years in a row, and they found a whole bunch
46 in the Bering Sea that came from the hatchery in Juneau.
47 So those fish are out there eating groceries along with
48 the fish from the Yukon.

49
50 And so I think that that would be

00117

1 something that would be appropriate for us to do is to
2 send the Federal Subsistence Board a letter telling them
3 that we think that all hatchery fish should be thermal
4 otolith marked, period, for the whole United States West
5 Coast and British Columbia, and to do whatever's
6 necessary to try to get that done.

7

8 CHAIRMAN NICHOLIA: Do you support that?

9

10 MS. WAGGONER: Uh-huh. I don't know what
11 the cost involved would be, Tom, but.....

12

13 MR. UMPHENOUR: The cost involved is
14 minuscule. The reason the hatchery in Juneau thermal
15 otolith marked all their fish was because they wanted to
16 be able to brag to the commercial fishermen, look how
17 much more money you're getting, because of all these fish
18 you caught we produced. And so now much does it cost,
19 Mr. Kron for them to do that? Very little, right?

20

21 MS. WAGGONER: Just time to read the
22 otoliths though. I mean, it doesn't cost anything to
23 vary the temperature, I realize that, but it does cost to
24 read them.

25

26 MR. UMPHENOUR: Right, but we have all
27 these research projects trying to figure out what is
28 happening, and why our salmon aren't surviving in the
29 ocean, and to me this seems like one of the most
30 important things that should be done is to try to figure
31 out where the hell all these fish are coming from that
32 are out there competing with the wild fish.

33

34 MS. WAGGONER: I totally agree. I
35 totally agree. No, you know.

36

37 MR. KRON: Mr. Chairman, Mr. Umphenour,
38 my understanding, the cost connected with thermal
39 marking, there's cost in getting set up at the hatchery
40 to actually vary the water temperatures so you can --
41 depending on what your water temperature situation is, if
42 you need to heat the water and separate system, there are
43 costs connected with that. I think what many of the
44 hatcheries have found, my understanding is that it's the
45 cheapest way to mass mark lots of fish. They can mark
46 all the fish in the hatchery this way, but there are
47 costs connected with it.

48

49 I guess another point for your
50 consideration, there are other marking techniques out

00118

1 there in addition to thermal marking. There are new
2 things coming along over time. You know, rather than
3 specifically focusing in on thermal marking, you may want
4 to suggest mass marking all hatchery fish with techniques
5 such as thermal marking to give yourselves other options.
6

7 The other thing to remember is the
8 Federal Board, you know, really doesn't have direct
9 jurisdiction over, you know, hatcheries and the thermal
10 marking issue, but there are a lot of people involved in
11 the process with interests here. And they could
12 potentially talk to other people, be involved in other
13 forums where it is an issue. They do have some
14 influence, but they don't have direct influence, so
15 something to keep in consideration as you decide what
16 you're going to do.

17
18 CHAIRMAN NICHOLIA: From your point of
19 view, Tom, do you think this would be something that
20 could be done in conjunction with the National Marine
21 Fisheries Services?
22

23 MR. KRON: Mr. Chairman, they have
24 limited jurisdiction over hatcheries as well. They have
25 direct jurisdiction over some. The State of Alaska has
26 some, the Canadians have some. You know, the States of
27 Washington and Oregon have some. So a bunch of different
28 organizations have direct jurisdiction, but again, to get
29 the word out there that you'd like to see all hatchery
30 fish marked, people have heard that before. You know,
31 there have been those kinds of requests of the State of
32 Alaska. I know there have been those kinds of requests
33 in other states as well. but to add to that and express
34 your support based on subsistence concerns I think would
35 be well received in many quarters. But, again, remember
36 the Federal Board doesn't have direct jurisdiction, but
37 they could definitely, you know, work with other groups
38 on these kinds of issues.

39
40 MR. UMPHENOUR: Thank you, Mr. Chairman.
41

42 CHAIRMAN NICHOLIA: Come on up.
43

44 MR. BOYLE: Thank you, Mr. Chair, Virgil.
45 My name is Larry Boyle. I work for the Alaska Department
46 of Fish and Game here in Fairbanks, and I had some
47 information I've been kind of tracking. There's a really
48 large-scale salmon research projects that are going on in
49 the Bering Sea with the Russians, the Japanese and the
50 U.S., they're calling that the BASIS, it's the Bering

00119

1 Aleutians Salmon International Survey, so I have some
2 information on that. But that's one thing they're doing,
3 Virgil. They just finished up with their first cruise,
4 and they're trying to find out where the salmon are in
5 the Bering Sea, where they're from, doing genetic work,
6 also sampling the productivity of the Bering Sea, seeing
7 if that's a contributing factor to these low salmon
8 returns we're having. So they finished up some of that.
9 They are collecting otoliths from the fish they catch, so
10 I have just some informational stuff here for the
11 Council. I know there's been interest in the past what
12 goes on in the marine and the by-catch, so I have a
13 little information on that to pass out. The State's not
14 involved with this or OSM, but it's something to take and
15 read. And they also have the latest salmon by-catch
16 numbers from the Federal commercial fisheries in the
17 Bering Sea through last week anyway.

18

19 CHAIRMAN NICHOLIA: But I still believe
20 this letter should go forward from us.

21

22 MS. WAGGONER: Yeah.

23

24 MR. BOYLE: Oh, certainly. Certainly.

25

26 MR. UMPHENOUR: I think the letter should
27 go forward, because even if they're doing all this
28 research, if all the hatchery fish had been thermal
29 otolith marked, then when they examine otoliths, they'd
30 know whether it came from a hatchery or whether it was a
31 wild fish.

32

33 UNIDENTIFIED VOICE: Certainly. Agreed.

34

35 MR. UMPHENOUR: And the GSI work is much
36 more expensive to do the analysis on than the thermal
37 otolith marking analysis. That's all I have.

38

39 UNIDENTIFIED VOICE: How do they do the
40 marking, thermal otolith?

41

42 MR. UMPHENOUR: They just vary the water
43 temperature on them when they're in the hatchery.

44

45 MS. WAGGONER: And then is the.....

46

47 MS. ENTSMINGER: It does something to
48 their.....

49

50 MR. UMPHENOUR: Right. Mr. Kron can

00120

1 explain the technical aspect.

2

3 MS. WAGGONER: Got it.

4

5 MR. UMPHENOUR: It makes marks on the ear
6 bone, they can look at it and tell what hatchery it came
7 from, because they code them.

8

9 MS. WAGGONER: I move that Donald draft a
10 letter regarding thermal marking of all hatchery fish in
11 the North Pacific Rim that we can distribute to
12 appropriate agencies and entities as needed.

13

14 MR. UMPHENOUR: Second.

15

16 MS. ENTSMINGER: Question.

17

18 CHAIRMAN NICHOLIA: It's been moved,
19 second and question. All those in favor signify by
20 saying aye.

21

22 IN UNISON: Aye.

23

24 CHAIRMAN NICHOLIA: Those opposed.

25

26 (No opposing votes.)

27

28 CHAIRMAN NICHOLIA: So moved, Donald. My
29 concern, I know it's going to come back to us, but this
30 is the last time that customary trade is going to come
31 before us, and we're going to stand firm on the position
32 we took today.

33

34 MS. WAGGONER: Yes.

35

36 MR. UMPHENOUR: I'd like to ask a
37 question. Has the Western Interior seen what we did?

38

39 CHAIRMAN NICHOLIA: I don't think so.

40

41 MS. WAGGONER: Today?

42

43 CHAIRMAN NICHOLIA: No.

44

45 MS. WAGGONER: Today?

46

47 MR. UMPHENOUR: Right.

48

49 MS. WAGGONER: Not today.

50

00121

1 MR. UMPHENOUR: Are they still in session
2 or are they gone?

3
4 MS. WAGGONER: They're gone.
5

6 MR. UMPHENOUR: Okay.
7

8 CHAIRMAN NICHOLIA: Uh-huh.
9

10 CHAIRMAN NICHOLIA: They should have had
11 a member over here.
12

13 MS. ENTSMINGER: Yeah.
14

15 CHAIRMAN NICHOLIA: My other concern is
16 that it's hard for me to be at all these meetings. I run
17 eight programs for Tanana Tribe Council. A lot of things
18 have been happening to me and my family. And we
19 appreciate you guys having a moment of silence for my
20 Uncle John. And I heard he made it, so I'll just tell
21 you that. I have a funeral for him tomorrow in Tanana,
22 and I'd like to thank you guys, Council members, Staff
23 committee, all the ones that was here, write this letter
24 of appreciation. And thanks, Donald. And I hope James
25 gets better today. He went to the hospital this morning.
26 Anything else?

27
28 MR. UMPHENOUR: I had one other thing,
29 and that is that the window schedule that the State has
30 in the management plan for the Yukon River, the windows
31 part of it, which is the subsistence hours that can be
32 fished, I submitted an agenda change request because the
33 Department, I was chairmen of the committee that did that
34 when I was on the Board of Fisheries. And so last year,
35 because there was no commercial fishing of any kind
36 during the window, the schedule stayed in effect, which
37 the object of it is to have genetic integrity on the
38 spawning grounds to put large fish up the river so
39 there's, you know, no fishing periods, and they're
40 alternated so that fish can pass through the various
41 fishing districts.
42

43 And the reason why this is so important,
44 and it's hard for people in the upper Yukon to visualize
45 this is because there's over 700 commercial fishermen in
46 the lower Yukon, and they're drift gillnet fishermen.
47 They use nets that are 300 feet long. So you put 700
48 people all at once out into the river, not many fish get
49 by. And so even though they're fishing subsistence, what
50 they're doing, what a lot of them do is they say, number

00122

1 1, people running the test fish nest for Fish and Game
2 are totally incompetent and they can't catch fish,
3 there's a lot more fish than what they say there are,
4 what Fish and Game is saying. Number 2, they say the
5 sonar doesn't work. They can't count fish with the
6 sonar. We want to fish. So they go out and they fish as
7 hard as they can, some of them, so they can go say, I
8 caught 120 king salmon in three or four drifts, a couple
9 of hours. You need to open the commercial fisheries. So
10 they're out there fishing, catching as many fish as they
11 can to browbeat the Fish and Game manager into opening
12 the commercial fishery. And with the fishing the way it
13 was, seven days a week, then people could do this seven
14 days a week, and some of them would do it.

15
16 So what's happened to our fish stocks,
17 this is my personal opinion, but I have a lot of
18 information to cause me to have this personal opinion, is
19 that in all animals the genetics determine the size of
20 the animal basically. Now, I'm five-foot-eight. I never
21 had any kids that were six-foot-six, although I have a
22 daughter almost as tall as me. And fish are the same
23 way. And a guy named Larry Ingall, that's on the Board of
24 Fisheries that was a retired Fish and Game biologist for
25 over 30 years, did a project at the University of
26 Washington where they studied king salmon. And what they
27 did with king salmon was they took all these little bitty
28 jacks and bred them to big female king salmon to see what
29 would come back. And what do you think came back? A
30 much higher percentage of little bitty king salmon came
31 back, because they marked all of these fish, so they
32 could know which ones they were when they came back. And
33 that is what happened.

34
35 And so what my theory is, is because if
36 you fish -- and you can just look at the report we got
37 yesterday, the composition of the harvest, 56 percent in
38 the commercial harvest of the fish in the lower Yukon
39 this year was females. But in District 5 and District 6,
40 that's the two put together, only 30 percent of the king
41 salmon harvested were females. So what they're doing is
42 they're targeting the large fish, which are the female
43 fish. That was the reason for the windows. Put the
44 large fish on the spawning grounds so that we can have
45 the -- those are the fish that get to lay their eggs and
46 reproduce, and more large fish will come back rather than
47 the majority of them getting caught on the lower river.
48 That's the first reason, the biological reason.

49
50 The second reason is to give the people

00123

1 in the upper river an equal opportunity for a reasonable
2 opportunity for subsistence and for all other fisheries
3 as well. So that the people in the upper river gets a
4 chance to catch some large fish, not just a bunch of
5 runts like you catch mainly here on the Tanana River.
6

7 But anyway the Board of Fisheries will
8 hear that next week. If they accept the agenda change
9 request, which I'm sure they are, I don't think they'll
10 take action on it this meeting, but they could. What
11 they'll do is schedule it for another meeting and it will
12 probably be in March, and so I just wanted everyone to be
13 aware of the procedure of exactly what is happening. But
14 I put in an agenda change request to address it, because
15 we did address that, the Board did, in several emergency
16 meetings last summer when that happened, telephonic
17 meetings between the Department of Law and myself, the
18 chairman and the executive director and a number of the
19 biologists. But anyway that will get addressed, but I
20 just wanted everyone to be aware of it as to what is
21 happening, but what I am going to try to get done if I
22 can is that they have concurrent fisheries. That is, if
23 there is enough fish for a commercial fishing, the
24 subsistence schedule in the lower Yukon is just like it
25 is in the upper Yukon where subsistence and commercial
26 fishes at the same time. That way there will be true
27 windows. Because what they did this year whenever they
28 started their commercial fishery, they did away with the
29 windows for the subsistence schedule and they got to fish
30 seven days a week.

31
32 And you can talk to the people that run
33 the test wheels like the one that was run at Nenana. You
34 can talk to Stan Zuray that ran the one in the rapids.
35 After the commercial fisheries started in the lower
36 Yukon, once those fish got up river, and you can talk to
37 people all up and down the river that do a lot of
38 fishing, the size of the fish dropped dramatically. They
39 caught some real big fish. I know the guy that
40 Klineschmidt (ph) that runs the fishwheel down at Nenana,
41 the test fishwheel, he was telling me about his one fish
42 that he had, because they have a live box, and he has to
43 take the fish out and release them every so many hours,
44 but he said there was one king salmon in there that he
45 didn't he was ever going to get it out because it was so
46 big. It just wouldn't fit in his dip net that he had,
47 and he just couldn't get it out. But he told me once
48 after a certain date which was whenever those windows
49 quit and they started being able to subsistence fish
50 seven days a week again, basically there were no more big

00124

1 fish.

2

3 And I know Dr. Cosan, the guy that's
4 doing the research on the ichtephonus, he came over and
5 looked at all the fish that I bought on the Tanana River,
6 and I bought it said in that report 1,049 of them. I
7 hadn't added it up, but he said, I just cannot believe
8 this. This is criminal that this is what's going to the
9 spawning grounds, nothing but a bunch of runts and hardly
10 any females. And not only that, he examined the spawning
11 grounds on the Chena and the Salcha both, both him and
12 Department of Fish and Game personnel, and they did not
13 find one female king salmon with ichtephonus on the
14 spawning grounds. However, approximately 40 percent of
15 the king salmon that they examined in Bill Fliris' fish
16 wheel, the majority of those fish are headed up the
17 Tanana River, had ichtephonus. So that means that 40
18 percent of the female king salmon did not make it to the
19 spawning grounds, something happened to them.

20

21 But anyway, I just wanted you guys to be
22 aware of that.

23

24 CHAIRMAN NICHOLIA: Yeah. Eva Jonas,
25 Harry Wilde said you take all the big fish away from the
26 spawning grounds, you ain't going to have no more big
27 fish, and they're from the mouth of the Yukon. Lester
28 said that. My Grandpa Sidney Huntington, and I've been
29 saying it for years, but do they listen?

30

31 MR. UMPHENOUR: But anyway, it's going to
32 get readdressed next week.

33

34 CHAIRMAN NICHOLIA: Any more concerns?

35

36 MR. MIKE: Mr. Chair, Mr. Paul Williams
37 would like to address the Council again if it's okay with
38 you?

39

40 MR. WILLIAMS: Thank you, Mr. Chairman.
41 Obviously we had a chance to know each other in Beaver,
42 you know. Maybe next time we can meet over there, and it
43 gives us a chance to get prepared, you know, these kind
44 of people are coming, and they're going to see us and
45 they're going to stay with us, they're going to eat in
46 our house, they're going to eat our food and some of
47 theirs, and, we had a good time with our dance, we'll
48 show them our dance, and we'll dance some of theirs, and
49 different kind of music, and we'll have a good time. I
50 think it's kind of worth it to go to Beaver. Although,

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1 your letter, you know, I present understand as far as
2 cost-wise, you know, and maybe communication. We've got
3 telephone, you know, and big airport with landing lights
4 and stuff like that, but I can understand your thoughts
5 and concern about such a small place accepting such a
6 large responsibility. But I don't know, we'll look
7 forward to the next meeting. Maybe it will be somewhere
8 down the line. Maybe even later next year, but we would
9 get prepared again. And thanks for having me say this to
10 you. We'll get to know each other more. I think people
11 in Beaver, they would be happy to see you. Genuinely.
12 And accept you into their homes, and they'll do their
13 best. And they're known all over for that kind of
14 reaction to such an event. Maybe they don't understand
15 all of the issue, but they understand how to accept
16 people into their village. That's one of the big plus,
17 you know, understanding people and accepting them, and
18 giving them the best they've got. Thank you.

19

20 MS. WAGGONER: Thank you

21

22 CHAIRMAN NICHOLIA: Thank you.

23

24 MR. MIKE: Thank you, Mr. Chair.

25

26 MS. WAGGONER: Move to adjourn.

27

28 MS. ENTSMINGER: Second.

29

30 MR. UMPHENOUR: Second.

31

32 MS. ENTSMINGER: Question.

33

34 CHAIRMAN NICHOLIA: All those in favor
35 signify by saying aye.

36

37 IN UNISON: Aye.

38

39 CHAIRMAN NICHOLIA: Meeting adjourned.

40

41 (END OF PROCEEDINGS)

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1 C E R T I F I C A T E

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 State of Alaska and Owner of Computer Matrix, do hereby
9 certify:

10

11 THAT the foregoing pages numbered 02 through 125 contain a
12 full, true and correct Transcript of the EASTERN INTERIOR
13 FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken
14 electronically by Joseph P. Kolasinski on the 9th day of
15 October 2002, beginning at the hour of 9:00 o'clock a.m. in
16 Fairbanks, Alaska;

17

18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by under
20 my direction and reduced to print to the best of our knowledge
21 and ability;

22

23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

25

26 DATED at Anchorage, Alaska, this 21st day of October 2002.

27

28

29

30

31 _____
32 Joseph P. Kolasinski
33 Notary Public in and for Alaska
My Commission Expires: 04/17/04